













REMINISCENCES  
OF  
SIXTY YEARS IN PUBLIC AFFAIRS  
VOLUME I



# Reminiscences of Sixty Years in Public Affairs by George S. Boutwell

Governor of Massachusetts, 1851-1852

Representative in Congress, 1863-1869

Secretary of the Treasury, 1869-1873

Senator from Massachusetts, 1873-1877

etc., etc.



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# INTRODUCTION





## INTRODUCTION

**A**T the request of my daughter and my son and by the advice of my friends, the Honorable J. C. Bancroft Davis and the Honorable William A. Richardson, I am venturing upon the task of giving a sketch of my experiences in life during three fourths of a century. The wisdom of such an undertaking is not outside the realm of debate. A large part of my manhood has been spent in the politics of my native state, and in the politics of the country. For many years I have had the fortune to be associated with those in whose hands the chief powers were lodged. I have been a witness of, and in some cases an actor in, events that have changed the character of the institutions and affected the fortunes of the country. Those events and their consequences must in time disturb, if they do not change, the institutions of other countries.

In the course of this long period I have had opportunities to know some of the principal actors in those important events. In a few cases I am in possession of knowledge not now in the possession of any other person living. These considerations may in some degree justify my undertaking.

On the other hand I have not kept a record of events, and I have had occasion often, especially in the practice of my profession, to notice the imperfections of the human memory. Much that I shall write must depend upon the fidelity of that faculty, although in some cases my recollections may be verified or corrected by the public records.

The recollections of actors, when those recollections are reported in good faith, constitute quite as safe a basis for an

historical judgment as do the diaries in which are noted present impressions. Usually the writer of a diary has only an imperfect knowledge of the subject to which the entries relate. If he is himself an actor in passing events he makes and leaves a record colored and perhaps tainted by the personal and political passions of the times. The teachings of experience and that more moderate view of events, which we sometimes call philosophy and sometimes the wisdom of age, may warrant the student and the historian in giving credence to mere recollections.

The writer of a diary takes little note of the importance of the events to which the entries relate. Persons and events become important or cease to be important by the progress of time, but the life of an individual is an adequate period usually for the formation of a judgment. I cannot assume that it will be my fortune to make a wise selection in all cases. Important events may be omitted, insignificant circumstances may be recorded.

I assume that my family and friends will take an interest in matters that are purely personal: therefore I shall record many incidents and events that do not concern the public.

# **BIOGRAPHICAL SKETCH**

## PRELIMINARY NOTE

**I***N the presence of some misgivings as to the propriety of my course, I have decided to print the article on my Life as a Lawyer, as it appears in the "Memoirs of the Judiciary and the Bar of New England" (for January, 1901), published by the Century Memorial Publishing Company, Boston, Mass.*

*Many of the facts were furnished by me. The article was written by W. Stanley Child, Esq., but it was not seen by me, nor was its existence known to me until it appeared in the published work. The paper in manuscript and in proof was read and passed by the editors, Messrs. Conrad Keno and Leonard A. Jones, Esquires. The words of commendation are not mine, and it is manifest that any change made by me would place the responsibility upon me for what might remain. Hence I reprint the paper with only two or three changes where I have observed errors in statements of facts.*

## BIOGRAPHICAL SKETCH

**G**EORGE SEWALL BOUTWELL, LL. D., Boston and Groton, the first commissioner of internal revenue, secretary of the treasury under President Grant, and for many years one of the leading international lawyers, is the son of Sewall and Rebecca (Marshall) Boutwell, and was born in Brookline, Mass., in what is now the old part of the Country Club house, January 28, 1818. He comes from old and respected Massachusetts stock, being a lineal descendant of James Boutwell, who was admitted a freeman in Lynn in 1638, and of John Marshall, who came to Boston in the ship *Hopewell* in 1634. The family has always represented the sterling qualities of typical New Englanders. Tradition asserts that one of his paternal ancestors received a grant of land for services in King Philip's War. His maternal grandfather, Jacob Marshall, was the inventor of the cotton press, an invention originally made, however, for pressing hops. His father, Sewall Boutwell, removed with his family in 1820 from Brookline to Lunenburg, Mass., where he held several town offices; he was a member of the Massachusetts House of Representatives in 1843 and 1844 and of the Constitutional Convention of 1853.

Mr. Boutwell attended in his early years a public school in Lunenburg, where he became a clerk in a general store at the age of thirteen, thus gaining a practical as well as a

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theoretical knowledge of affairs. Later he supplemented this experience by teaching school at Shirley. He also studied the classics, and in various ways improved every opportunity for advancement which limited circumstances afforded. In 1835 he went to Groton, Mass., as clerk in a store. But to be a lawyer was his dream before he had ever seen a lawyer. Endowed with unusual intellectual ability, which has been one of his chief characteristics from boyhood, he felt himself instinctively drawn to the legal profession, and as early as possible entered his name as a student at law.

In 1839 he was chosen a member of the Groton School Committee, and in 1840 he was an active Democrat, advocating the re-election of Martin Van Buren to the Presidency. In the meantime he delivered a number of important lectures and political speeches, his first lecture being given before the Groton Lyceum when he was nineteen, and he was now rapidly gaining a reputation in public affairs, in which he early took a deep interest. In January, 1842, he became a member of the lower House of the Massachusetts Legislature from Groton, and for ten years thereafter his law studies were neglected. He served during the sessions of 1842, 1843, 1844, 1847, 1848, 1849 and 1850, and was also at different times a railroad commissioner, a bank commissioner, and a member of various other commissions of the commonwealth.

As a member of the House he made many important arguments that were legal in name if not in fact. One related to the Act of the Legislature of 1843, by which the salaries of the judges were reduced, and another upon a bill for the amendment of the charter of Harvard College. On the latter question, which was in controversy

for three years, his opponents were Judge Benjamin R. Curtis and Hon. Samuel Hoar.

Mr. Boutwell originated the movement for a change in the college government, which was effected by a compromise in 1851. Chief Justice Lemuel Shaw, a member of the corporation, wrote an answer to his argument. This led to Mr. Boutwell's appointment in 1851 as a member of the Harvard College Board of Overseers, which position he filled until 1860. In January, 1851, he became Governor of Massachusetts by a fusion of the Democratic and Free-soil members of the Legislature, and in 1852 was re-elected by the same body. He served in that capacity until January, 1853, a period of two years, and discharged the duties of the office with ability, dignity and honor. As a member of the Massachusetts Constitutional Convention of 1853, Mr. Boutwell had further and better opportunities to make the acquaintance and to observe the ways of the leading lawyers of the State.

At the close of the Constitutional Convention of 1853, Governor Boutwell entered the law office of Joel Giles, who was engaged in practice under the patent laws, and who as a mechanic and lawyer was a well-equipped practitioner in Boston. As a counselor in patent cases Mr. Giles had few equals. It was then Mr. Boutwell's purpose to pursue the study and engage in the practice of the patent laws as a specialty, but in October, 1855, without any solicitation and indeed without the slightest knowledge on his part, he was chosen secretary of the Massachusetts Board of Education, of which he had been a member from 1853. With much uncertainty as to the wisdom of his action in accepting the place, he entered upon his duties and faithfully and efficiently discharged



them until January 1, 1861, although he had tendered his resignation in 1859. His annual reports have always been regarded as models of preparation, and that of 1861—the twenty-fourth—contains a notable commentary on the school laws of the commonwealth. He continued as a member of the board until 1863.

After several years Mr. Boutwell severed his relations with Mr. Giles, and upon his admission to the Suffolk bar in January, 1862, on motion of the late Judge Josiah Gardner Abbott, he began active practice in Boston. His first jury case was before the late Judge Charles Allen, of Worcester, yet at that time he had never seen a jury trial from the opening to the close. Mr. Boutwell had scarcely entered upon his professional career when he was called to assume a most important place in national affairs, and one that was destined to keep him in close relations with the Federal Government at Washington for many years afterward.

Among the historical events, originating in the Civil War, was the passage of the act "to provide internal revenue to support the government and to pay interest on the public debt," approved July 1, 1862. Mr. Boutwell organized the Office of Internal Revenue and was the first internal revenue commissioner, receiving his appointment while at Cairo in the service of the War Department. He arrived in Washington July 16, and entered upon his duties the following day. Within a few days the Secretary of the Treasury assigned him a single clerk, then a second, and afterward a third, and the clerical force was increased from time to time until at his resignation of the office of commissioner on March 3, 1863, it numbered 140 persons. To him is due its organization upon a basis which

has more than fulfilled the most cherished hopes and expectations of those who conceived the idea and which has furnished from the first a valuable source of revenue for the government with little hardship or unnecessary friction among the people at large. The stamp tax took effect nominally on the 1st of October, 1862, less than two and one-half months after Mr. Boutwell entered upon his duties as commissioner, yet before he resigned, five months later, he had the office so well established, and its work so thoroughly organized throughout the United States, that its usefulness was assured and it has continued to the present time upon practically the same lines that he laid down. In July, 1863, three months after he retired from the office, he published a volume of 500 pages, entitled "A Manual of the Direct and Excise Tax System of the United States," which included the act itself, the forms and regulations established by him, his decisions and rulings, extracts from the correspondence of the office, and much other valuable information bearing on the subject. This work has ever been accepted as authority, and still forms the basis of the government of the internal revenue system.

Before Mr. Boutwell was admitted to the bar he was retained by the county commissioners of Middlesex County to appear before a legislative committee of the years 1854 and 1855 against the division of that county and the erection of a new county to be called the county of Webster with Fitchburg for the shire. Emory Washburn appeared for Worcester County and Rufus Choate for Fitchburg and the new county. The application failed in 1855 and again in 1856. Mr. Boutwell's arguments on this petition, made March 25, 1855, and April 23,

1856, were remarkable for power and eloquence, and largely influenced the final result.

From 1862 to 1869 he was retained in many causes, the most important of which was the controversy over the contract between the commonwealth and Gen. Herman Haupt for the construction of the Hoosac Tunnel. The hearing before a legislative committee occupied about twenty days and ended in the annulment of the contract. For several years Mr. Boutwell was associated in Boston with J. Q. A. Griffin. Afterward he was in partnership with Henry F. French until 1869, when he became Secretary of the Treasury in the Cabinet of President Grant. He filled this position with great ability for four years, originating and promulgating, among other measures, the plan of refunding the public debt. During that period he made but one argument, when he appeared in the Supreme Court on the appeal by his client of a patent case, of which he had had charge from the beginning. From 1863 to 1869 he had been a member of the 38th, 39th, 40th and 41st Congresses, serving on the committees on the judiciary and on reconstruction, and being chairman for a time of the latter body. While representing his district in Congress Mr. Boutwell gained considerable experience in the proceedings against President Andrew Johnson, who was impeached for high crimes and misdemeanors, and he was selected as one of the managers on the part of the House. In a remarkably brilliant speech before the House on December 5 and 6, 1867, he maintained the doctrine that the president and all other civil officers could be impeached for acts that were not indictable, although the contrary was held by many eminent lawyers, including President Dwight, of Columbia College, who wrote a treatise in support of his theory.

But the House preferred articles that did not allege an indictable offence and the Senate sustained them by a vote of thirty-five to eighteen, one less than the number necessary for conviction. On April 22 and 23, 1868, Mr. Boutwell, on behalf of the managers, addressed the Senate, delivering one of the strongest and ablest arguments on record, and thus completing, as a lawyer, the most exhaustive labor he ever attempted. He was a member of the Committee of Fifteen which reported the Fourteenth Amendment, and while serving on the committee on the judiciary he reported and carried through the House the Fifteenth Amendment to the Constitution of the United States.

In 1873 Mr. Boutwell was chosen United States Senator from Massachusetts to fill the unexpired term of Hon. Henry Wilson, who had been elected Vice-President. He continued in the Senate until 1877, when he was appointed by President Hayes, through Gen. Charles Devens, then Attorney-General, commissioner to revise the statutes of the United States. That great work was completed and the volume was published in the autumn of 1878. Some idea of the labor involved in this undertaking may be gained from the index, which contains over 25,000 references. In 1878 Mr. Boutwell returned to Boston and resumed the practice of law. In 1880 William M. Evarts, then Secretary of State, and President Hayes, asked him to accept the position of counsel and agent for the United States before a Board of International Arbitrators created by a treaty ratified in June, 1880, between the United States and France, for the settlement of claims against each government by citizens of the other government. The claims of French citizens, 726 in number, arose from the operations of the Union armies in the South, principally in

and around New Orleans, during the Civil War, and the consideration of them occupied four years. The counsel and the commissioners were called to the discussion of treaties, of international law, of citizenship, of the Legislation of France, of the rights of war, and of the conduct of military officers and military tribunals. The claims amounted to \$35,000,000, including interest; the recoveries amounted to about \$625,000; the defence cost the Government about \$500,000; the record is contained in ninety printed volumes of about one thousand pages each and the pleas and arguments of counsel for the two governments fill eight large volumes. Mr. Boutwell's own arguments cover more than 1,100 pages. Many of these cases rank as *causes celebre*, notably those of Archbishop Joseph Napoleon Perche, No. 3; Henri Dubos, No. 26; Joseph Bauillotte, No. 130; Bleze Motte, No. 131; Theodore Valade, No. 214; Pierre S. Wiltz, No. 313; Remy Jardel, No. 333; Etienne Derbee, No. 339; Arthur Vallon, No. 394; David Kuhnagel, No. 438; Dr. Denis Meng, No. 567; Azoline Gautherin, No. 590; Oscar Chopin, No. 592; S. Aruns Sorrel, No. 594, in which he probably made the best argument of his career; Jules Le More, No. 595; Athenais C. Le More, No. 598; Mary Ann Texier, No. 659; and Charles Heidsieck, No. 691. That of Theodore Valade, No. 214, was a full account of the battle of Donaldsonville, and those of Archbishop Perche, David Kuhnagel, and many others involved intricate and interesting questions of citizenship as well as damages for the destruction of property. On May 10, 1884, Mr. Boutwell made an exhaustive and final report on all these claims to the Secretary of State, Hon. Frederick T. Frelinghuysen

Mr. Boutwell was one of the counsel for the government of Hayti in the celebrated case of Antonio Pelletier against that republic in 1885, and made a most interesting oral argument. This case was a romance of the sea as well as of international importance, involving a claim of \$2,500,000 and questions of piracy and slave trading. In 1893-94 Mr. Boutwell was retained as counsel on the part of Chili to defend that government before an international commission created under a treaty with the United States signed August 7, 1892. About forty cases were presented, involving \$26,300,000, and the final report was submitted April 30, 1894. Among the more important were those of Gilbert B. Borden, No. 9, and Frederick H. Lovett et al., No. 43, against the Republic of Chili. These as well as nearly all the others were argued by him with a brilliancy and eloquence that has marked his entire career at the bar. Of the five courts martial that were held in Washington between 1880 and 1892 for the trial of officers of the army and navy Mr. Boutwell was retained for the defence in four cases, in three of which the accused were convicted and in the other honorably acquitted. In 1886 he was retained by the Mormon Church to appear before the judiciary committee of the House of Representatives against the Edmunds bill, which was modified in particulars pointed out in the discussion. The same year he appeared before the House committee on foreign affairs for the government of Hawaii in opposition to the project for abrogating the treaty of 1875.

Mr. Boutwell's pleas and arguments have with few exceptions been published in book or pamphlet form, or both, and form of themselves a most valuable and interesting addition to legal literature. They bear evidence of a

profound knowledge of the law, of vast research and of great literary ability. Among others may be mentioned those upon a petition to the Massachusetts Legislature for the removal of Joseph M. Day as judge of probate and insolvency for Barnstable County in March, 1881; in the matter of the Pacific National Bank of Boston before the banking and currency committee of the United States House of Representatives, March 22, 1884; and for the claimant in the case of the Berdan Fire-Arms Manufacturing Company of New York vs. the United States. He is the author of "Educational Topics and Institutions," 1859; "Speeches Relating to the Rebellion and the Overthrow of Slavery," collected and published in 1867; "Why I am a Republican," a history of the Republican Party to 1884, republished in 1888; "The Lawyer, Statesman and Soldier," 1887; and the "Constitution of the United States," embracing the substance of the leading decisions of the Supreme Court in which the several articles, sections and clauses have been examined, explained, and interpreted, 1896. In 1888 he wrote a pamphlet on "Protection as a Public Policy," for the American Protective Tariff League; on April 2, 1889, he read a paper on "The Progress of American Independence," before the New York Historical Society; and in February, 1896, he published a pamphlet on "The Venezuelan Question and the Monroe Doctrine."

Mr. Boutwell has probably argued more cases involving international law than any other living man, and in this department ranks among the ablest and strongest that this country has ever produced. For more than forty years he was a prominent figure before the bar of the United States Courts at Washington, where he achieved eminence

as an advocate of the highest ability. He was uniformly successful, and won a reputation which was not confined to this country. He is an authority on international and constitutional law. His published writings stamp him as a profound student of public questions and as a man of rare literary culture and genius. He was a strong Abolitionist, and as lawyer, statesman and citizen has rounded out a brilliant career. In every capacity he has faithfully and efficiently performed his duties and won the confidence and respect of both friends and opponents. In politics he has been a leader of the Republican Party since its organization. He was a delegate to the Chicago Conventions of 1860 and 1880, and was chosen a delegate to the Baltimore Convention of 1864, but declined. He was elected a member of the American Academy of Arts and Sciences in 1857 and of the Phi Beta Kappa Society of Harvard College in June, 1861, at which time he delivered the Phi Beta Kappa oration. In 1851 Harvard conferred upon him the honorary degree of LL.D., and in 1861 he was a member of the Peace Congress at Washington.

Mr. Boutwell was married July 8, 1841, to Sarah Adelia, daughter of Nathan Thayer of Hollis, N. H. Their children are Georgianna A., born May 18, 1843, and Francis M., born February 26, 1847. Mr. Boutwell resides in Groton, Mass.

*The eighth day of July, 1891, Mr. Boutwell's family and friends celebrated the fiftieth anniversary of his marriage with Sarah Adelia Thayer, daughter of Nathan and Hannah Jewett Thayer, of Hollis, N. H.; and on the eighth day of July, 1901, the family observed the sixtieth anniversary, but without ceremony, as Mrs. Boutwell was much impaired in health.*





**REMINISCENCES**  
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**VOLUME I**



# I

## INCIDENTS OF MY EARLY LIFE

**M**Y birthplace was at Brookline, Mass., near Boston, upon a farm in my father's charge, and then owned by a Dr. Spooner of Boston. The place has had many owners and it has been used for various purposes. In 1851 and 1852 it was owned by a Dr. Trowbridge, who had a fancy for fine horses. Upon my election to the office of Governor, and when he had learned that I was born upon his place, he insisted that I should use a large black stallion in the review of the troops at the annual parades. The animal was of fine figure but not so subdued as to be manageable. In one of those years General Wool came to Boston, upon an invitation to review the Ancient and Honorable Artillery Company on Boston Common. I assigned the Trowbridge horse to General Wool. The General rode him for a minute or two, when he left the saddle and the reviewing officers went through the ceremony on foot. Since those days the Spooner place has been converted into a trotting course known as Clyde Park, and the house is now used as a clubhouse by an association called the Country Club.

When I was about twenty-five years of age I was present at a temperance meeting at Lowell, held in an unfinished factory building called the Prescott Mills. After some speaking,

in which I had taken a part, the Rev. Dr. Pierce, then a white-headed gentleman of seventy years, whom I had seen as an overseer of Harvard College, came to me, introduced himself, and after a little conversation he asked me where I was born. When I answered Brookline, on the Dr. Spooner place, he said: "Oh, yes, I remember when your father lived there, and I recall a circumstance to which I think I owe my good health. Dr. Spooner," said he, "resided in Boston in the winter and at Brookline in the summer. When he was at Brookline he had a child to be christened, and he preferred to have his city minister perform the ceremony. After the service we were invited to dine at Dr. Spooner's, and that minister ate so unmercifully of everything upon the table, that I then and there resolved that I would eat but one kind of meat at a meal, and I think my good health is due in a measure to that resolution." I made no resolution, but the circumstance produced an impression upon me, and in the main I have observed his rule. In seventy-seven years, within my recollection, I have lain in bed but seven days.

In April, 1820, when I was hardly more than two years of age, my father moved to Lunenburg, Worcester County, and settled upon a farm, a mile south-west of the village, which he had bought of Phinehas Carter, then an old man, who had been opulent as a farmer for the time and place, but whose estates had been wasted by a moderate sort of intemperance, by idleness, and family expenses. The house was large, well built for the times, finished with clear, unpainted white pine, with dado work in the front rooms below and in the chambers above. It was situated on the southern brow of a hill, and commanded a view of the Wachusett mountain, and the hills to the west, south and east over an expanse of twenty miles in every direction, except the northern half of the circle. At a distance of eighty or one hundred rods from the house lay the Whalom pond, a body of clear, deep spring water, of

more than a hundred acres. The farm contained one hundred and thirteen acres of land, somewhat rocky, but in quality better than the average New England farms. At the time of the purchase one-half of the acres were woodland with heavy timber.

My father relied upon that timber to meet the debt of one thousand dollars which rested upon the place. In those days wood and timber were abundant and money was scarce. If the building of railroads could have been foreseen and the timber saved for twenty-five years it would have risen to twice the value of the farm at the time of the purchase. My father's anxiety to be relieved of the debt was so great that he made sales of wood and timber as he had opportunity, but the proceeds, after much hard labor had been added, were very insignificant. As a result, the most valuable part of the timber was sold for ship-building, or to the coopers, or converted into boards and shingles, and a remnant of the debt remained for twenty years.

The farm yielded ample supplies of meat, milk, butter, cheese, grain, fruit, and vegetables, but groceries and clothing were difficult to procure after such supplies were had as could be obtained by barter. Once or twice, or possibly three times a year, my father drove an ox-team or a team of one pair of oxen and one horse to Boston with cider, apples, a hog or two, and poultry. The returns enabled him to pay his taxes, the interest on the debt, and perhaps something over.

Until the introduction of the cotton and woolen manufactures, and indeed, until the building of railways, the farmers of Massachusetts had only limited means of comfort. Their houses were destitute of furniture, except of the plainest sort. Of upholstered furniture they had none. Except a few school books for the children and the family Bible there was no reading matter, unless in favored neighborhoods, a weekly paper carried the news to two or three families that were joint sub-

scribers. The mails were infrequent, and the postage on letters, based on the pieces of paper instead of weight, varied from six and one fourth cents for all distances within thirty miles to twenty-five cents for distances of four hundred miles and more. Intermediate rates were ten, twelve and a half, and eighteen and three fourths cents. These rates existed when mechanics could command only one dollar a day, and when ordinary laborers could earn only fifty cents or seventy-five cents—except in the haying season, when good mowers could command one dollar. Servant girls and nurses received from one dollar to one dollar and fifty cents per week. At the same time every variety of clothing was much more expensive than it now is, unless shoes and hats are exceptions.

My father was the best farmer in the neighborhood. He had been employed in nursery and vegetable gardening at Newton, and for five years he had had charge of the farm of Madam Coffin at Newton Corner, widow of the Hon. Peleg Coffin, who had been a member of Congress from Nantucket. In a few years we had a supply of cherries, peaches, and choice apples. As my father understood budding and grafting trees, his improved fruits were distributed to others. I acquired the art of budding when I could not have been more than ten years of age, and before I left home at the age of thirteen, I had practised the art in the village and on the trees of the neighbors.

Previous to 1830 the era of invention had not opened, and the articles by whose aid domestic comfort has been promoted were unknown. The only means of cooking were the open fire and the brick oven. Meat for roasting was suspended by a cord from a hook in the ceiling in front of the open fire and over a dripping pan. The children found amusement and became useful in twisting the cord and then allowing the weight of the meat to untwist it. Even fire in the summer was obtained and kept with difficulty. There were no friction matches

and not infrequently a child was sent on a flying visit to a neighbor's house to borrow fire. Indeed, the habit of borrowing and lending extended to nearly every movable thing that any one possessed. Tools, food, especially fresh meat, the labor of men, oxen and horses were borrowed and lent. Farming tools were few in number and rude in construction. Many of them were made upon the farms, either by the farmers themselves, or by the help of poorly instructed mechanics. The modern plough was unknown. Hay and manure forks, scythes, hoes, were so rough, uncouth and heavy that they would now be rejected by the commonest laborer. As early as 1830 my father bought a cast-iron plough; it was the wonder of the neighborhood and the occasion of many prophecies that were to be falsified by events.

My father was a practical man and a gentleman by nature. With him civility was innate. He was a close observer and something of a philosopher. I recall his statement made in my childhood that matter was indestructible. He was of even temper, and of an imperturbable spirit. His paternal ancestor on this side of the Atlantic was made a freeman at Lynn in 1638. Of his arrival in the country there is no record. From that date there had been no marriage except into English families. My father was purely English. My mother, whose family name was Marshall, and who was a descendant of John Marshall who came in the *Hopewell*, Captain Babb, in 1635, was English also through all her ancestors from John Marshall.

My father enjoyed the respect and confidence of his fellow citizens and he held many of the offices of the town and for many years. In 1843 and in 1844 he was a member of the Massachusetts House of Representatives and in 1853 he was a member of the Constitutional Convention. I was also a member of the same bodies, and the association with my father under such peculiar circumstances is one of the pleas-



ant recollections of my life.\* My mother belonged to a family of unusual intellectual endowment, and of great rigidity of opinion. Her father, Jacob Marshall, was a student by tendency and habit, a stone mason and farmer by occupation, and the inventor of the press used for pressing hops and cotton in square bales. He lived to be more than eighty years of age, was twice married, and had a large family of children whom he educated and trained as well as children could be trained and educated at the close of the last century in a country town in northern Massachusetts.

For the last fifty years of his life he devoted himself to the study of the Bible and such works of history as he could command. His knowledge of the Bible was so great that he was an oracle in the town, although he departed from the popular faith and became a Universalist. He lived comfortably and without hard work, and in the later years of his life he became the owner of two farms in the northerly part of Lunenburg. As I recollect him and his farms he could not have been a good farmer. His crop was hops, and that crop always commanded money, at a time when it was unusual to realize money for farm produce.

As my father's house was a mile from the District School, and as there was a school within twenty or thirty rods of my grandfather's house, I was sent to my grandfather's for my first winter's schooling. I think it must have been the winter of 1823-4. The teacher was Ithamar Butters, called Dr. Butters from the circumstance that he had studied medicine for a time with Dr. Aaron Bard, a physician in the village. Of Dr. Butters as a teacher I remember little. He became a disbeliever in the Bible—an agnostic of these days. I recollect

\* During the session of the Legislature of 1843 or 1844, I walked with my father on the ice from Boston to Fort Warren, a distance of about three miles. The authorities were then engaged in cutting a channel for the departure of a Cunard steamer.

a remark of his made many years after : That he would prefer the worst hell to annihilation, which he believed would be his fate.

I learned to read by standing in front of my mother as she read the Bible. Of course all the letters were inverted, and the faculty of reading an inverted page, has remained.

I went to the District School summer and winter, until I was ten years of age, and to the winter school until I passed my seventeenth birthday, when my school life ended. My father and mother were scrupulous about my attendance, and I cannot recall that I was ever allowed to be absent during the school term either for work or pleasure.

When I reached the age of ten years I was kept on the farm during the summer months, until I left home in December, 1830. In those days farmers' boys did not enjoy the luxury of shoes in the summer, nor indeed in the autumn season. More than once I picked chestnuts bare-footed and often have I tended the oxen in the mowing field frosty mornings and warmed my feet by standing on a stone.

Once only during my home life did I go to Boston with my father. He carried poultry in a one-horse wagon. I accompanied him. The year may have been 1828, or '9 or '30. On our way he stopped at one of the Waltham cotton factories to see a niece of my father who was there at work. We lodged that night at the house of Madam Coffin. She was then already old in my sight. She seemed pleased with my father's visit, and the impression left upon my mind is that we were entertained with marked consideration. My father had managed her farm for about five years from 1809 to 1814, when he volunteered for service in the army, and for ninety days he was on the island then known as Fort Warren.

The next morning we reached Boston and stationed our wagon at the northwest corner of Quincy Market, where we

sold our poultry. During the day my father had occasion to go to the store of Joseph Mead, at the corner of Lyman Place, and I was left in charge of the wagon. I had the fortune to sell some of the poultry. My father thought that the proceeds in money did not equal the decrease in stock, and so it proved—for the next Sunday morning when I dressed for meeting I found a two dollar bill in my trousers' pocket.

That night we spent with Captain Hyde, at Newton Corner. During the first year of my father's married life he had carried on a farm on the opposite side of the highway, and it was from Captain Hyde that he obtained his knowledge of budding and grafting, and some knowledge of the art of gardening. They always continued friends; Captain Hyde came to my father's, in after years, and supplied our farm with the best varieties of cherry, peach and apple trees.

The day following we went to Brighton where my father purchased the remnant of a drove of cattle that had been driven from the State of Maine—twenty-four in number. Of these nine were oxen and the rest were young animals between two and four years of age, and all were bought for the sum of two hundred and fifty dollars. My father was then the overseer of the almshouse, and the purchase was primarily for that establishment, but some of the animals were sold to the neighbors. The result of the purchase was to me a short experience as a drover.

As I recollect the experiences of my life on my father's farm, there were many amusements and relaxations mingled with the hardships. In the winter the house was cold, with only open fires for warming the rooms. We had, however, an abundance of wood, and in the evenings a supply of cider, apples and nuts for ourselves and for the neighbors. There were always one or two poor families in the neighborhood who enjoyed the moderate comforts of our house. I recall one

man, who after a visit would stop at the pile of wood, near the house, and carry a backload to his home. My father often saw the stealing, but the culprit never knew from any word or act that he had been discovered or suspected.

The ponds and brooks in the vicinity gave us a chance for fishing, and there was some shooting, especially of pigeons in the autumn. The oak forests had not then fallen, and the pigeons were abundant in September and until there were heavy night frosts, when they would leave for milder regions. For several years my father baited pigeons, and caught them in a net. To do this we were in the bough-house by daylight. A wicked advantage was taken by soaking the grain in anise-seed cordial, which made the birds noisy and active, thus attracting other pigeons to the stand. The device of taking pigeons in a net and wringing their necks is a brutal business, as is all slaughtering of animals.

From 1820 to 1830 religious controversies were violent and universal. No one of the towns in Massachusetts was free from them. Under the colonial system each town was a religious corporation as well as a political one. There was one church and one meetinghouse in each town, and the parochial expenses were paid from the municipal revenues. In 1780 when the constitution was adopted, some progress had been made, but by the Third Article of the Bill of Rights, every citizen was required to be a member of some religious society. As a result, new societies were formed, and in many instances they were so organized and managed as to avoid expenses. About the same time attacks were made upon the Third Article of the Bill of Rights, and after an excited controversy covering many years, the constitution was changed in that respect, by an amendment in the nature of a substitute, which was adopted by the people at an election held in the month of November, 1833. By that amendment each citizen was authorized to file a certificate of non-mem-

bership with the clerk of the society of which he was a member and thereafter he was free from any contract or obligation of such society thereafter made.

The little town of Lunenburg participated actively in the contest. My father advocated the amendment. At the ancient meetinghouse the ancient doctrines of future punishment were preached and the literal inspiration of the Bible from Genesis to Revelation was not questioned. Those who denied the one or doubted the other were denounced as infidels. Religious topics were the leading subjects of conversation, and the fruitful source of personal and neighborhood controversies. My father rejected the doctrine of physical punishment in another state of existence, and he came to regard the Bible as a record of events, and the expression of human thought and feeling, rather than as a message of the Divine will.

Perhaps as early as 1820 the Methodists had organized a church and secured a place of meeting in the north part of the town on a by-road. The building was not as good in quality or style as is a modern barn. My father separated himself from the old society and joined the Methodist society. In that organization each one paid what he chose. I recollect attending meetings at the old barn, but the distance was great and the inconveniences were numerous. The converts could endure the inconveniences, but as my father was not a convert nor a believer his interest was slight. Afterwards, however, the Methodists built a meetinghouse in the village, and for several years we had seats and attended the services. Once in two or three years the denomination held camp meetings in the autumn and the work of conversion would go on rapidly. The scenes were such as are now reported of the negro race in the states of the South. Young girls would shout, crying out that they had found Jesus, fall down, and lie senseless, or at least speechless, for many minutes. After brief

periods of excitement many of the converts returned to their old ways of life, neither better nor worse.

During those years the Universalists held meetings at Shirley Village, quite eight miles away. My father attended occasionally, and not infrequently I went with him. I had therefore the opportunity to hear the great preachers of the denomination—Russell Streeter, Sebastian Streeter, brothers; Thomas Whittemore, the editor of the *Trumpet*, the organ of the sect, Hosea Ballou, Walter Balfour, and others whose names I do not recall. Balfour was a Scotchman, preaching with an accent, and rolling his scalp, from his eyes to the nape of his neck. The sermons had two peculiarities. First the text was examined carefully and so construed as to show that the author, whether Jesus, Peter, or Paul, taught the doctrine of universal salvation. Then came a process of reasoning designed to show that God could not punish his creatures in a lake of fire and brimstone. First, he was all-powerful; next, he was all-wise; then he was infinitely just, and finally his mercy was without limit. Could a being endowed with these attributes consign his children to unending misery? From the first I saw the defect in the process of reasoning. The premises were not faulty, but given a being with infinite faculties, could another being, with finite faculties only, forecast the result of the exercise or operation of the infinite?

The little town was made notorious by the career of the physician, Dr. Aaron Bard. He was born in Jaffrey, N. H., about the year 1770. He obtained his medical education in part at least, at Troy, N. Y., from which place he fled to avoid arrest upon the charge of robbing graves. His parents were rigid believers in the old faith, and in that faith they had trained the son. Against that faith the son rebelled, dropped the second "a" in his baptismal name, and rejected the Scriptures as not containing divine truth. As the mass

of the people believed implicitly in the divine origin and plenary inspiration of the Bible, a disbeliever was denounced as an infidel and punished by social outlawry.

Bard was not a quiet doubter. He attacked the Bible, ridiculed much of the Old Testament, accepted controversies with the clergy, although he attended their families without charge. His reputation as a physician was considerable, and although his enemies, who were many, made repeated efforts to secure a competitor, the wary declined their invitations, and the credulous were soon driven away by poverty, or the fear of it. Bard was a bachelor, lived economically, never presented a bill, and when he died, about the year 1850, his books were free of charges. Before the repeal of the Third Article of the Bill of Rights, Bard organized a society which by some art of logic was so far recognized as a religious body as to exempt its members from taxation in the old parish. It flourished until the Third Article was annulled, when it disappeared. Bard purchased a Hebrew Bible, lexicon and grammar, and proceeded to translate parts of the Old Testament, especially the early chapters in Genesis, and in such manner as to throw doubt upon the received version. His Sundays were devoted to talks in his office, where were gathered a few hearers, some because they agreed with him, and others because they were interested in hearing what he had to offer.

He was of small size, hardy, ingenious, and free from meanness. He was economical and his ways of business forbade any extravagance. When he needed hay or grain for his horses or wood for his fire he called upon some of the farmers whose physician he was, and obtained a supply. Beyond this he made no demand for payment, though when it was offered he accepted it. Until he was about sixty years of age, he rode on horseback, and always without an overcoat. From my thirteenth to my seventeenth year I was boy and clerk in a

store at a distance of less than five rods from Bard's office. I saw him constantly. His denunciations of Christianity were so violent and unreasonable that many persons would revolt at the thought of accepting his theories. He had followers, however, and the trial of Abner Kneeland for blasphemy promoted the spread of infidel opinions. I do not now recollect that I heard Bard express any opinion as to a future state of existence. In that particular he was probably an agnostic. When in later years I saw a plaster cast of the head of Voltaire at the Cambridge Museum of Comparative Anatomy, I was impressed with the resemblance between Bard's head and that cast.

His success as a physician was due probably to his ingenuity and keen powers of observation rather than to his learning. All his faculties were active, and he appreciated the importance of the laws of progress. When homeopathy had taken some hold upon public opinion, he said: "There is nothing in it; but then it has done a great deal of good. It has taught us not to give so much medicine. We killed a great many people with medicine, but it is several years now since I killed a man." This remark was made in 1842 or 1843.

In my boyhood the Rev. David Damon was the minister. He was a graduate of Harvard College, a man of learning, of good standing in the profession, and a satisfactory preacher. His temper was mild, and it was not easy for Bard to engage in bitter contests with him. Mr. Damon left Lunenburg about 1827, and settled in West Cambridge, where he died suddenly in the pulpit. Among the constant attendants upon Mr. Damon's Sunday services at Lunenburg, was a blacksmith named Kimball, who was afflicted with deafness. From his trade perhaps he had come to be called Puffer Kimball. From a front seat in the meetinghouse he had ventured upon the pulpit stairs, and finally he had reached the position of stand-



ing on an upper stair, resting his arms upon the desk, and with his hand to his ear listening to the services from beginning to end. In the east part of the town was a farmer named James Gilchrist, a Scotch Irishman, weighing not less than two hundred and fifty pounds, and the father of four grown sons who were his equals in weight, and all of them of great strength. Gilchrist abandoned the Sunday meetings and when Mr. Damon asked him for his reason he said he wouldn't have his religion strained through old Puffer Kimball.

This same Gilchrist had had a controversy ending in a slander suit with Mr. Damon's predecessor, the Rev. Timothy Flint. Mr. Flint was a man of recognized ability, a good preacher, but erratic in his ways. For some purpose not well understood, he built a furnace in the cellar of his house. His friends maintained that he was engaged in scientific experiments, and such was his purpose, no doubt, but his enemies and the more ignorant of the community assumed that his plan was to coin money. One day, in a store kept by Mr. Cunningham, (the grandfather or great-grandfather of Gen. James Cunningham,) Gilchrist exhibited a coin and said: "Here is a dollar that Tim Flint made." Flint returned the challenge with a suit, which I think was adjusted without a trial, but the controversy contributed to the dissolution of the settlement. Flint left the town to which he returned once in my boyhood and preached a sermon in the new meeting-house, that had been substituted for the old one used in the days of Zabdiel Adams, of Timothy Flint, and David Damon.

After leaving Lunenburg Flint went with his family to the valley of the Mississippi, and led the life of a wanderer, floating down the river with his family and making his way back as best he might. In these expeditions children were born

and children died. He wrote two romances founded on Western primitive life, and a history of the Mississippi Valley. Time may give to his works a value that they did not appear to possess when they were published. Flint was recognized in the town as a man of ability, but he failed to secure the affections or even the confidence of the people. He was a man of ready faculty, being able to write his sermons Saturday evening, with his children around him.

Parson Adams, a cousin of John Adams and the predecessor of Flint, had lived among his people as a chieftain. He was not only the spiritual teacher, he was supreme in most other matters. Unlike the Adams family generally, he had a rough wit and a sententious practical wisdom about common things not unlike the kindred conspicuous qualities in Dr. Franklin. If the traditions that existed in my boyhood were trustworthy, he said and did things that would have ruined an ordinary minister. Adams gave an earnest support to the Revolution, and one of his sermons delivered at the opening of the war contained a view of the coming greatness of the country that was truly prophetic.

Samuel Dexter studied law at Lunenburg. He was there married by the Rev. Zabdiel Adams to a Miss Gordon, a daughter of an English lady.

The successor of Mr. Damon was the Rev. Joseph Hubbard, and during his ministry the old society that represented the town of former days came to an end. The first error was the scheme for erecting a new meetinghouse. The larger part of the village is on the southern side of a hill, and the first meetinghouse was midway on the slope and facing the south. The site was a triangular piece of land, of more than one hundred rods in extent, on which were shade trees planted in other days. If the whole town had been at command not another equally good site could have been selected. A spirit, called the spirit of progress, had seized the leaders and it was resolved

to build a new meetinghouse on the top of the hill. The house was built, but in the meantime the society lost members. Following the dedication of the new house, there came complaints against Hubbard as a preacher. He made enemies, and his enemies promoted disturbances. Efforts were made to dissolve the connection. Hubbard having been settled for life, those efforts were ineffectual. Finally his salary was withheld and the house was closed against him. Sunday after Sunday, morning and afternoon, Hubbard would walk from the parsonage to the meetinghouse, try the doors and then return home. As long as the doors were open, I attended the services—the congregation diminishing until the pews were given up to boys and those who attended from curiosity. One morning the seats of the singers were vacant, and Hubbard read the hymn commencing: “Let those refuse to sing, who never knew their God.” That was the last, or near the last of his Sunday services.

As the controversy went on, the members of the parish withdrew, until the only one remaining who possessed any property was an uncle of mine, Timothy Marshall. He lived in the easterly part of the town, and he was a Universalist in opinion. He owned a small farm and a sawmill on the Mulpus Brook. His chief delights were reading, discussing political and religious questions, and gathering information in the department of the natural sciences. He associated a good deal with Dr. Bard, but he never accepted Bard's views of the Bible. He had continued with the old society from indisposition to disturb himself rather than from sympathy with its teachings, or regard for its interests. At the conclusion of the active controversy between Hubbard and the society, the unpaid salary amounted to several hundred dollars. Hubbard threatened suit, and he may have commenced one. In that juncture my uncle went over the town and gathered the signatures of those nominal members who had no prop-

erty, who had not paid taxes and whose eyes had not seen the inside of a meetinghouse. A parish meeting was called, composed of my uncle and his new adherents. At the end authority was given for the conveyance to Mr. Hubbard of the site of the old meetinghouse in full satisfaction of his claim. This spot was in the center of the village and in the view of the houses of the principal residents. Not their curiosity merely, but their fears were excited when they learned that their bitter enemy was to become the owner of the common in the center of the village. To be sure the bounds were indefinite, but there was a spot belonging to the parish, and it included all that was not highway.

My uncle had an understanding with Hubbard that the land was to be conveyed to Hubbard and the society released from all its liabilities under the contract. Then the land was to be conveyed to my uncle, for the sum of six hundred dollars. This was done, and my uncle became the owner of the common. He was not a friend of the citizens of the village, and various uncomfortable surmises were set afloat. But my uncle had but little malice in his nature, and moreover he was too inert to indulge in the luxury of avenging any wrong either real or imaginary. The common was left to the use of stray cattle, the children of the neighborhood and of the school. After a time the school district decided to rebuild the schoolhouse. The old site was small, indeed, only sufficient for the building. The citizens divided, but the advocates of the old site prevailed, and a brick building was erected. Still the contest went on, and after a year or two the majority of the district voted to erect a new house, and the upper part of the common was selected for the site where a second house, of wood, was built. Whether any title to the land was obtained from my uncle, I know not. The new house was used for a time, when it was sold, moved, and converted into a dwelling.

When my uncle died at the age of about eighty-five years, the common was unoccupied, and it had the appearance that property takes on when the owner is intemperate or absent, or when heirs cannot agree to a division. The settlement of my uncle's estate was put into the hands of Mr. Ephraim Graham, whose brother had married my uncle's eldest daughter. My uncle's children were scattered, and apparently they inherited their father's indifference to property. Graham was unable to finish any business, and after ten or more years he died, leaving the estate unsettled. Finally, the ladies of the village took possession of the common, removed the rubbish, leveled the ground, and made the spot an agreeable feature of the town.

Of the teachers of the village school there are several that I remember with gratitude, and I cannot but think that some of them were very good teachers. My first teacher was Martha Putnam, afterwards Mrs. Nathaniel F. Cunningham. Of her as a teacher I can recall nothing. Her father, Major Daniel Putnam, was the principal trader in the village. For the time and place his accumulations were very large. Nancy Stearns, afterwards Mrs. Benjamin Snow, was the teacher of the summer school for many years. But beyond comparison Cyrus Kilburn was the best teacher of the town, and a person who would have ranked high among teachers at any period in the history of the State. He was not a learned man in a large sense, but his habit was to investigate the subjects within his scope, with great thoroughness. Grammar was his favorite study, and he devised a system of analysis in parsing quite in advance of the time. He had the faculty of putting questions and of changing them to meet the capacities of the pupils. He compelled thinking. I attended the winter school about ten terms, and of these not less than six terms were taught by Mr. Kilburn.

In later years we had Colburn's Sequel as the arithmetic.

From this I passed to algebra and geometry, and during the last two terms I studied Latin grammar. My school-going days ended in February, 1835, a month after my seventeenth birthday.

## II

### LIFE AS A STORE-BOY AND CLERK

**I**N the month of December, 1830, when I was about one month less than thirteen years of age, Mr. Simeon Heywood, the postmaster at Lunenburg and the owner of a small store, proposed to my father that I should go into his service to remain four years. An arrangement was made by which I was to receive my board and clothes, and the privilege of attending school during the winter months. I commenced my service the 26th of December, 1830, and I remained until December 1, 1834.

My life with Mr. Heywood was a peculiar one. The business of the store was largely in the sale of goods for hats made of palm leaf. The business was comparatively new at the time. For many previous years the women had been employed in braiding straw and making hats and bonnets for market. Gradually, work in palm leaf had taken the place of work in straw. The neighbor of Heywood, Major Daniel Putnam, was doing a large business in hats. The preparation of the palm leaves was not an easy business. The leaves were stripped on the folds by the hand, then bleached with sulphur in large boxes. The leaves were then split so as to produce straws from one twentieth to one eighth of an inch in width. The first process of stripping the leaves on the folds was paid for at the rate of ten cents per one hundred leaves. I devoted my leisure to the work, and thus earned a small sum of money. Heywood was a shoemaker by trade, and an end of the store was used as a shop. There one man and sometimes two men

were employed. From much seeing I was able to make a pair of shoes for myself—rather for the amusement of the thing than from any advantage. While at Heywood's store, probably about 1834, I had a disagreeable experience, the recollection of which has often returned. A blacksmith, named Choate, died, and with another boy, whose name I do not recall, I was summoned to watch the body during a night. We occupied an adjoining room, and once an hour we were required to bathe the face of the corpse in spirits of camphor. To this day I have never been able to understand why two half-grown boys were put to such service.

Heywood was more of an inventor than a trader, and becoming interested in the manufacture of nail kegs he made an invention in connection with Dr. Bard for sawing staves concave on one side and convex on the other. In the year 1834 they obtained a patent for the invention. As a consequence the business of the store was neglected. The invention did not yield a large return in money, as it was soon superseded by other devices. The saw, a hoop-saw, was set up in a mill two miles away, and from time to time I tended the saw, and thus I began a training in mechanics which has been useful to me in my profession as a patent lawyer. Heywood also invented a wheel for bringing staves to a bevel and taper, for the construction of barrels systematically. Mr. Heywood remained in town eight or ten years, when he moved to Claremont, N. H., where he died at the age of eighty years or more. He was thoroughly upright, but he had too many schemes for a successful business man. During my term with Mr. Heywood I had charge of the post-office, keeping the accounts, which were then cumbrous, and I made the returns once in three months.

During a part of the time a stagecoach ran from Lowell, through Tyngsboro, Pepperell, Townsend Harbor, Lunenburg



and Fitchburg, and thence westward through Petersham and Belchertown to Springfield. The distance was about one hundred miles, and I was compelled to be ready to open the mail three mornings each week, at about two o'clock. The driver would sound his horn when he was eighty or one hundred rods away, and it was my duty to be ready to take the mail when the coach arrived at the door.

It was when so summoned that it was my fortune to see the shower of falling stars in November, 1833. From the time I arose until after daylight there was no part of the heavens that was not illuminated—not with one meteor merely—but with many hundreds. Many of them left a long train, extending through twenty, thirty, or even forty degrees. I called at Bard's window and told him that the stars were falling, but he refused to get up, thinking it a joke. The butcher of the town, Abijah Whitney, came out to commence preparations for his morning rounds, but conceiving that the day of judgment had come, he returned into the house and gave up business for the day. In the year 1901, I know of one other person only, Mrs. Mary A. Livermore, who witnessed that exhibition, and it has not been repeated.

During my term with Mr. Heywood, and for many previous years, and for a short period afterwards, the business of printing standard books, Bibles, spelling-books and dictionaries had been carried on at Lunenburg by Col. Edmund Cushing. The books were bound, and then sent by teams to Boston. The printing was on hand-presses, and upon stereotype plates. Deacon William Harrington carried on a small business as a bookbinder, and Messrs. William Greenough & Sons erected a building on the farm now owned by Mr. Brown on the Lancaster road, and introduced the business of stereotyping—a business then new, I think. These various industries gave employment to a large number of workmen, mostly young men. The establishment of Colonel Cushing was near the store of

Heywood, and it was at the bindery that I first saw Alvah Crocker, afterwards known in the politics of the State, and as the projector of the Fitchburg railroad. He was a maker of paper at Fitchburg, and he came with a one-horse wagon to Cushing's place and carried away the paper shavings produced in the bindery. Crocker was a lean and awkward man, remarkable for his voice, which could be heard over the larger part of the village. When in after years we were associated in the Massachusetts House of Representatives, and boarded at the same hotel, the Hanover House, I was compelled to hear the same voice in constant advocacy of the Fitchburg railroad project.

Colonel Cushing was one of the foremost men in town, but his aristocratic ways made him unpopular, and therefore he failed to secure official recognition. He was the father of Luther S. Cushing, for many years clerk of the Massachusetts House of Representatives, then reporter of the decisions of the Supreme Court, afterwards a judge upon the bench of the Court of Common Pleas, and then the author of Cushing's Manual. Another of his sons, Edmund Cushing, Jr., was a member of the Supreme Court of the State of New Hampshire. Of his two other sons, one was a clergyman, and one a civil engineer. The sons were all my seniors, and my acquaintance with them was limited, but when I became a member of the Massachusetts House of Representatives, in January, 1842, Luther S. Cushing, then the clerk, came to me, and after some words of congratulation, gave me this advice: "Never champion any private scheme, unless the parties are your constituents." Good advice, which I followed in all my legislative experience.

During the four winters of my term with Mr. Heywood, I attended the school, studying the usual branches with something of algebra, geometry, and Latin grammar. It was during these years that the teacher, Mr. Kilburn, created such an

interest in his plans that he obtained a contribution of twenty-four dollars with which he purchased a twelve-inch celestial and a twelve-inch terrestrial globe. Several pleasant evenings were devoted to a study of the heavens with the aid of the celestial globe. I attended usually, and thus I gained a partial knowledge of the constellations, and an acquaintance with some of the stars by name and location. The post-office gave me access to several publications of the day, and in one or two instances I obtained a few subscribers to journals, and thus secured a free copy for myself. *The Penny Magazine* I obtained in that way for two years. In the cholera seasons of 1832-3 and 1834, the people were so alarmed that they hesitated to take letters and papers from the post-office. For a time gum-camphor was thought to be a preventive against the contagion.

Between 1830 and 1834 the ambition of the town was stimulated by the building of a new road from Fitchburg to Shirley. It was claimed that a shorter and more nearly level route to Boston from Fitchburg and the country above was thus secured. For a time the travel was considerable, but the teamsters preferred the old roads, the old taverns, and the old acquaintances. The construction of the Fitchburg railroad in 1844 ended the business from the country to Boston over the old highways.

In the month of November, 1834, I had a call from Mr. Joseph Hazen, of Shirley, who asked me to accept the post of teacher in the school at Pound Hill, half-way between Shirley Village and Shirley Centre. The pay was sixteen dollars per month in addition to board. After making an arrangement with Mr. Heywood, by which I was to pay him eight dollars for the twenty-six days in December, I accepted the invitation, and after an examination conducted by the Rev. Seth Chandler and the Rev. Hope Brown, I entered the school the first Monday of the month of December.

In the preceding June I had received my freedom suit of clothes—blue coat, bright buttons, black trousers, and buff vest. They were made by Daniel Cross, of Fitchburg, and, when in 1884, I visited that town, and found him still engaged in the business, I ordered a dress suit from his hand.

## III

### CHANGES AND PROGRESS

**A**S I pass in this record from my childhood and early youth to the responsibilities of life, I am led to some reflections upon the changes in opinions and the changes in the condition of the people in the more than half-century from 1835 to 1899. At the first period there was not a clergyman of any of the Protestant denominations who questioned the plenary and verbal inspiration of the Scriptures, including the Old and New Testaments. The suggestion could not have been safely made in any New England pulpit that there were errors of translation, and yet the Christian world, outside the Catholic Church, now accepts a revision that changes the meaning of some passages and excludes others as interpolations. The account given in the first chapter of Genesis of the creation of the world and of man was accepted according to the meaning of the language used. At the present moment there is not a well-educated clergyman of any denomination who would not either treat the account as a legend, or else explain the days as periods of indefinite duration.

The claim of the verbal and plenary inspiration of the Old Testament is denied by many and doubted by others, and the volume is seen and treated by them as a compilation of works or books in which are recorded the thoughts and doings of men and tribes and nations that existed at different periods and flourished or suffered as is the fortune of mankind.

The early chapters of Genesis were then a faithful history; they are now a legend. The Book of Job was then an in-

spiration; it is now a poem. The reported interviews between Abraham and Jehovah were then thought to have been real; now they are treated as the visions of an excited brain. The ten commandments were then believed to have been delivered to Moses by the Supreme Being; now they are regarded as the work of a wise law-giver. Kings and Chronicles are now authentic histories written by honest men; then those records of events were attributed to the Supreme Ruler of the world.

The domain of prayer has been limited. Prayers for rain, for health, for mild winters and fruitful summers, were then made in all the churches. Now, with many exceptions no doubt, health is sought in obedience to the laws of our being, and the seasons find their quality in the operation of laws whose sources are in material organizations that cannot yield to human impulses.

The sources of knowledge have been multiplied almost indefinitely. In 1835 the daily newspaper was not often seen in country towns, and the circulation of the weekly paper was limited to a very small portion of the families. The postage was an important item. Relatively, the cost of papers was enormous. The mails were infrequent, and the people generally had not the means of paying the combined expenses. Many, perhaps most, of the papers, were sent upon credit, and it was not unusual to find subscribers several years in arrears. Many of the papers contained this notice: "No paper discontinued until all arrearages are paid," as though sending a paper to a subscriber in debt, would compel him to make payment. New books were rare. The farmers and laborers had no slight difficulty in meeting the demands for school-books, and these and the Bible were the total stock in a majority of houses.

The means of domestic comfort were limited to a degree not now easily comprehended. The brick oven and the open fire were the only means of cooking, and the open fire was the

only means of warming the houses. Soon after 1835, and even before that year possibly, cylinder stoves were introduced into shops and stores. Stoves of other varieties soon followed. Upholstered furniture and carpets were not found in the houses of well-to-do farmers even.

The construction of railways and the invention of the telegraphic system of communication have revolutionized business and changed the habits of the people, but only the beginnings of their power are yet seen. They have made it possible for great free governments to exist permanently. Except for differences of languages all Europe might become one state, if indeed, first, the individual states could overthrow all dynastic institutions in families, and all forms of hierarchy in the churches. These changes to be followed by the abolition of all forms of mortmain, by the free sale of land, by the distribution of the estates of deceased persons by operation of law, by compulsory education with moral training, and the exclusion of all dogmatic teaching touching the origin or destiny of man. This freedom and the aggregation of small states in vast governments, by the consent of all parties, would be security for the peace of the world. With general peace would come the abolition of great armies, freedom from public debts, and numerous freeholders. These are the conditions of domestic and social comfort, the chief and worthiest objects of the State organization.

In 1830 the movement against the use of intoxicating liquors began—or rather it was about that year that the movement was strong enough to lead a small number of country merchants to abandon the trade. When I went into Mr. Heywood's store, he had one hogshead of New England rum. That was sold, and there the business ended. As a general rule, the farmers used rum daily during the summer season, and drank freely of cider during the winter. On my father's farm, rum toddy was drunk three times a day during the hay-

ing season, which lasted from the 4th of July to the 1st of August, or a little later. There was no general use of liquors at any other season.

At old election\*—the last Wednesday in May—at Thanksgiving, the 4th of July, and when my grandfather visited us—which seems now not to have been more than three or four times a year—a pitcher of West India rum toddy was made, seasoned with nutmeg and toasted crackers.

The poverty of farms in respect of tools, made it almost impossible for farmers to prosper, except by cattle-raising and the cultivation of small grains. Farming is now an art, and the slavery of farm labor has in a degree disappeared. Formerly the business of farming was limited by the home product of manure, but the manufacture of phosphates has enabled the farmer to enlarge his operations in every direction that promises a return.

The railway system has driven the eastern farmer from the cultivation of wheat and corn, as it is not possible for him to compete with the new and fertile lands of the West. In these sixty years the wheat fields have moved from the East to the West. From 1820 to 1840 the valleys of the Mohawk and the Genesee furnished the finer flour for the cities of New York and New England. Pennsylvania, Maryland and Virginia supplied Baltimore and Philadelphia. Then Ohio became the chief source of supply. More recently the wheat region is in the upper valley of the Mississippi, and the State of California. The time is not far distant when a return movement will begin. Domestic markets in the vicinity of the great wheat fields will create a demand for other products. With the exhaustion of the soil will come the necessity for the use of artificial manures. Thus will be established a perma-

\*Old election in Massachusetts was the last Wednesday in May, when, under the Constitution of 1780, the governor was inaugurated.



ment condition of comparative equality between the East and the West.

Already the process has commenced in the culture of Indian corn. For a time the farmers of New England were unable to raise corn, even for farm use, in competition with the West. The fodder of the corn has now become valuable to farmers who produce milk for market, and already they are finding it profitable to raise corn, even when the price at the door does not exceed fifty cents per bushel. Coincident with these changes the States of the East have increased in population, and the proportion who live in cities is increasing at a greater ratio even. The railway system and the system of protection to American industry have been the chief instruments in the augmentation of population generally, and of the gains to cities. These changes have inured to the benefit of the Eastern farmers.

## IV

### SCHOOLS AND SCHOOL-KEEPING

**O**F my pupils at Pound Hill an unusually large proportion were advanced in years.\* Several of the boys were my seniors, and in size they had quite an advantage over me, although my weight was then about 165 pounds. That class gave me very little trouble. The unruly boys were those between ten and fifteen years of age. With a few exceptions the leading people of the town were well-to-do farmers, and nearly every week brought an invitation to a party at the house of some one of them. An attendance of more than fifty persons was not an uncommon occurrence. The term of the school was limited by the money, and either from the extra cost of firewood, or some other unusual expense, the school was brought to a close two or three days sooner than was expected. My father was to come for me on a day named, but when my school was over, and I was free, I concluded to walk home, a distance of about six miles, and return for my clothes when convenient.

Just at that time there had been a heavy, warm rain, and a melting of snow, which had raised the streams. When I reached the bridge at the brook on the west side of Flat Hill, the water was over the road to the depth of twelve inches or more. I concluded to wade across, which I did. My mother was frightened, but I escaped without any serious ill effect.

\*The Pound Hill schoolhouse has been sold to the owner of the Captain Parker place and converted into a shop and tool-house. A photograph has been taken of the venerable relic.

My school-keeping days were over. My old teacher, Mr. Cyrus Kilburn, had charge of the village school and I took my seat among the pupils. I remained in the school about two weeks, and then my school-days were over. Altogether I had the training of six or seven summer terms in schools kept by women, supplemented two or three times by a private school of a few weeks by the same teacher, and ten or eleven winter terms. In reading, spelling and grammar I had had a good training. To those branches Mr. Kilburn devoted himself, and I recall his teaching of grammar with great satisfaction. He had no knowledge of object-teaching as applied to grammar, but he was skillful in analysis, and his training was methodical and exact. In fine, he was so much devoted to the work of teaching, that the discipline of the school was neglected. Of this there had been complaints for years. At that time I had a good command of arithmetic, I knew something of algebra, and geometry seemed easy from the start. In composition, so-called, I had had no experience. Once only during my school life was an attempt made by a teacher to introduce the exercise of writing, and that attempt I avoided. In Latin I had not gone beyond the study of the grammar, and the training that I had received was from persons poorly qualified to give instruction.

Once or twice the teacher had been a college undergraduate, and Kilburn's knowledge of the language was measured by his acquisitions at the Groton Academy. Of knowledge wholly useless to me I had learned to read the Hebrew alphabet from Dr. Bard's elementary Hebrew book. The reading-books, especially Scott's Lessons, contained extracts from good writers and speakers, with selections from the best of English poets, and these extracts and selections, I had read and had heard read so often that I could repeat many of them at full length. Worcester's Geography, and Whelpley's Compend of History were among the books used in the schools.

## V

### GROTON IN 1835

**I**N the month of February, 1835, I read an advertisement in the *Lowell Journal*, asking for a clerk in a store, application to be made at the office. I at once wrote to Joseph S. Hubbard,\* a former schoolmate, asking him to call at the office and get the name of the advertiser. This he did, and gave me the name of Benj. P. Dix of Groton. I wrote to Mr. Dix, and upon the receipt of an answer, I went with my father to see him. The result was an agreement to work for him for three years. Terms, board and one hundred dollars for the first year, one hundred and twelve dollars for the second year, one hundred and twenty-five dollars for the third year. I commenced my clerkship with Mr. Dix the fifth day of March, and in the month of September my contract was ended by his failure. His business was small, his manners were abrupt, his capital had been limited, and his family expenses, not extravagant, had exceeded his income, and bankruptcy in the end was inevitable. His sales were chiefly of boots, shoes, leather, and medicines, of which he kept the only stock in the village.

Mr. Dix was a man of exact ways of life. The sales made were entered each day at the close of business, the cash was carefully counted, and the cash-book was balanced. But these careful and businesslike ways did not save him, and in Sep-

\* When I became Secretary of the Treasury, in 1869, I appointed Hubbard to a minor office in the revenue service in the State of Kentucky, where he then lived.

tember he made an assignment of his property to his father Benj. Dix, and to Caleb Butler, for the benefit of his creditors according to the preferences specified in the assignment. Mr. Butler was not a creditor, but Mr. Dix, senior, was much the largest creditor. In fact he had furnished his son with the chief part of the means of doing business. He was a tanner by trade, and he had gradually enlarged his business by employing workmen to make boots and shoes. A portion of his product of leather and all his product of boots and shoes had been turned into the son's store.

The deficiency of means on the part of the son was represented at each settlement by an addition to the debt due to the father. The debts amounted to about five thousand dollars. Following the assignment Mr. Dix left home, and he did not return until the spring or summer of 1836. Imprisonment for debt in a modified form then existed. He and his family were proud, and he may have wished to avoid seeing his neighbors and acquaintances while his misfortune was fresh upon him. His wife was a granddaughter of General Ward, who had been the rival of General Washington for the command of the army at the opening of the War of the Revolution. Mrs. Dix was proud, very properly, of her paternity, and of her grandfather's association with General Washington, and neither from her, nor from either of two brothers whom I subsequently met, did I ever hear a word of criticism upon the wisdom of the selection of General Washington. Mrs. Dix had inherited many letters written by General Washington to her grandfather, and they were all written in a tone of sincere friendship.

Mrs. Dix's eldest brother, Mr. Nahum Ward, was one of the early settlers, if not one of the founders of Marietta, Ohio. Mr. Dix went to Marietta, where he was given some employment by Mr. Ward. Neither Mr. Butler nor Mr. Dix senior, had any knowledge of business, and I was employed

by them at a small advance in my pay, to sell the stock of goods, and close the business of the store. After such sales as could be made, the remainder of the stock was sold at auction the 23d day of November. During the preceding night there was a fall of snow, and the company came to the village in sleighs. The winter was severe, and the snow continued to cover the ground until the 18th of April, when the stage coaches for the north went on runners for the last time. The summer of 1836 was so cold, that the corn crop was a failure. During the year following corn brought from New Jersey sold for \$2.50 per bushel.

In 1835 the town of Groton was a place of much importance relatively. It was the residence of several men of more than local fame. Timothy Fuller, the father of Margaret, was living there. He was a lawyer of considerable distinction, and he had held important public positions. He had been a representative and senator in the Massachusetts Legislature, speaker of the Massachusetts House of Representatives, and a member of Congress from the Cambridge district from 1817 to 1825. He died in October, 1835.

Mr. Fuller was a man of regular and careful habits, indeed he belonged to a family noted for their devotion to the profession of law, and for their odd manners and styles of dress.

Mr. Fuller's eldest son, Eugene, was afterwards a student in the law office of George F. Farley. He was a good debater as a young man, but as a student rather irregular. He went to New Orleans to reside, became an editor of, or writer on, the *Picayune*, and on a return voyage from Boston he was lost overboard.

Margaret Fuller continued to reside in Groton with her mother and the other members of the family for several years—until about 1841, I think. In the meantime I met her frequently, although she was several years my senior. She was a teacher in the Sunday school, and at the Sunday-evening

teachers' meetings she was accustomed to set forth her opinions with great frankness, and in a style which assumed that they were not open to debate. While she lived at Groton she contributed to the *Dial*.

In personal appearance Margaret Fuller was less attractive than one might imagine from the portraits and engravings now seen. Her ability was recognized, but the celebrity that she attained finally was not anticipated, probably, by any of her town acquaintances. Her writings may justify the opinion that as a writer and thinker she is in the front rank of American women.

Samuel Dana, who had been a judge for many years, president of the Massachusetts Senate for three terms, and a member of Congress for one term, was also a resident of Groton. He had been an active politician on the Democratic or Jeffersonian side in politics, and for many years in early life he had been the competitor of Timothy Bigelow, who had been a resident of Groton and a leader in the Federal Party of the State. The town supported Bigelow and returned him to the House, where he became speaker for many sessions. Dana as a candidate for the Massachusetts Senate was elected by the county of Middlesex then Democratic, and for three terms he was president of the Senate. Judge Dana was interested in a small social library that was kept in a chamber over the store. It contained Josephus, Plutarch's Lives, Rollins' Ancient History, and some other standard works whose titles I do not now recall.

Judge Dana was also interested in the organization of a reading room club in a building connected with the store. As clerk in charge of the store I was custodian of the reading room and library. I found time to read Plutarch and Josephus, and I was skeptic enough to question in my own mind the passage in Josephus in regard to Jesus. Judge Dana died in the month of November, 1835, at the age of sixty.

His hair was white and long, and his appearance was so venerable that it is now difficult for me to realize that he was not seventy-five years of age at least. His abilities were considerable, and his descendants, in more than one instance, have shown distinguished qualities.

Two other well-known lawyers, one of them a lawyer of eminence in the profession, were also residents of the town: Benj. M. Farley and George F. Farley, brothers. They were natives of the small town of Brookline, N. H. The elder, Benj. M., had practised in Hollis, N. H., where by economy and good care of his earnings he had acquired a competency. At Groton he made no effort to obtain business, and acted for the most part as an associate or aid to his brother, who was in the enjoyment of a large practice and income, for those days and parts.

With George F. Farley, whose age ran with the century, I was well acquainted from 1835 until his death in 1855. He was one of the small number of men that I have known who underestimated their powers. In one respect, perhaps, this was not true of Farley. He never appeared wanting in courage for any legal struggle with the leaders of the bar in New England. In the twenty years that I knew him he had for his antagonists Webster, Choate, Davis, Curtis, Franklin, Dexter, and others of eminence, and he never failed to sustain himself upon terms of equality. This was remarkable in presence of the fact that he was likely to be retained on the hard side of most cases. This was due, perhaps, to his reputation for shrewdness, and for a quality in practice which has been called the inventive faculty. When parties were not allowed to testify, there was a wide field for the imagination, and for the exercise of the inventive faculties on the part of an advocate. He had defended, successfully, the Ursuline Convent rioters, and he had been employed in many desperate cases on the civil side and on the criminal side of the courts.



In his later years he read very little either in law, history, or general literature. His law library was meager, although he had usually one or two students in his office. He preferred to discuss his cases with the loungers about the post-office and stores, getting thereby the benefit of the opinions of common men.

His manner in speaking was inartistic, and although he was a graduate of Harvard, he indulged himself in the use of country phrases and rustic pronunciation. His logic was unanswerable, and his faculty of cross-examination of witnesses was worthy of emulation.

He enjoyed a few books, the classics in the originals, but he seldom indulged in a quotation. Byron as a poet, and Locke as a logician he commended to me—the latter, Locke on the Human Understanding, with great earnestness. Under his advice I read it carefully, and for mental training he did not overvalue it. Farley commenced the practice of his profession at New Ipswich, N. H., and that town elected him once or twice to the Legislature of the State. Wishing for a wider field, he came to Groton. It was a day of small fees, and a good deal of the litigation grew out of the intemperate habits of the farmers.

In New Hampshire fees were even more moderate than in Massachusetts. If Farley had estimated his talents at their full value and had taken an office in Boston or New York, he could have gratified his love for money without disturbing his relations to his neighbors. In minor ways he was acquisitive and consequently there came to be a public sentiment which excluded him from public employments. His political course was not more erratic than that of many others, but his change of position was ascribed to policy and not to principle. In 1840 he was a Whig, in 1850 he was a Free-soiler, and in 1855 he was a Republican. In the autumn of the year 1855

he was elected a member of the State Convention of the Republican Party.

A day or two before the meeting of the convention I was passing by his premises where he was engaged apparently in examining a buggy which his man had been putting in order. The conversation turned upon politics, and I soon discovered that he wished for a nomination to the Legislature, and without admitting the fact, his remarks showed that he comprehended the nature of the obstacles in his way. At last he said: "When I began I thought the main thing was to get money; and I have got it; and it is very convenient to have it, but it isn't just what I thought it was when I began."

He went to the convention, took a cold which developed into a fever, and in a week he died.

## VI

### GROTON IN 1835 — (Continued)

**T**HERE were two other lawyers in town, Caleb Butler, the postmaster, and Bradford Russell. Mr. Butler never appeared in court. He gave advice in small matters, wrote deeds and wills, surveyed lands, and served his neighbors in fiduciary ways. For many years he was a member, and a useful member, of the Board of Commissioners for the County of Middlesex. That body laid out highways, superintended the public buildings, and in a word did what no other authority in the county or State had a right to do. Mr. Butler was a Whig, and after a time his politics lost him the office of postmaster and the office of commissioner.

With Bradford Russell I commenced the study of law, or rather I entered my name with him and gave some night work to the study of books bearing upon the profession. His office was over the store in which I became a clerk in December, 1835. Russell was a graduate of Harvard, of the class of 1818. For many years two other members of that class resided at Groton—Dr. Joshua Green, and the Rev. Charles Robinson, pastor of the old society, then ranked as Unitarian. Mr. Russell had studied his profession with Judge James Prescott, who was impeached and removed from the office of Judge of Probate for the county of Middlesex in the year 1821. Judge Prescott, whom I never saw, was a good lawyer in his time, especially in the department of special pleading. That branch of the profession was then passing away, but there were lawyers who lived by their skill in pre-

paring answers, rejoinders, sur-rejoinders, rebutters, and sur-rebutters. Russell had acquired a large amount of special learning in the law, but he had not capacity to comprehend principles, nor could he see the application of old decisions to new cases. In argument he was weak and inconclusive, but he was confident in his own powers, and favored as he was at times by the accidents and hazards of the profession, he gained some victories. In the final trials at the county court he usually secured the services of senior counsel who could meet Farley, his usual antagonist, upon an equality of standing. Most frequently he secured the services of Sam Mann of Lowell, as he was called. The name of the town was affixed generally, as though the advocate had been so christened.

Mann was able, confident, and bold. He died young, after a brilliant career. In many cases Mann and Farley were associated. When this combination appeared, the opposing counsel were hard-pressed, usually. In those days a story was set afloat which, though false, gave voice to the popular notion. When the court was held at Cambridge, Farley and Mann boarded together at the Mansion House, Charlestown Square. It was said that when they were associated in a case, they were in the habit of examining and cross-examining the witnesses. On one of these occasions, as the story went, Mann conducted the examination, and Farley followed with the cross. Under his hand the witnesses went to pieces. After the witnesses left, Farley said, "We can never succeed if those are your witnesses." Mann replied: "Oh, those are the witnesses for the other side. To-morrow evening I will show you my witnesses." When the evening came, the same witnesses came also. They were again subject to examination and cross-examination, and proved impregnable under Farley's hand. An invention, no doubt, and yet the story had a run.

Although Russell was not a competitor in any sense with

such antagonists as Farley and Mann, he was in the enjoyment of a practice that was sufficient for a living, and a prudent man would have made it the beginning of a moderate fortune. He had neither skill in money matters nor ordinary economy. Hence he was always in debt. At one term of the court he entered fifty-eight writs, and there were terms when he had from seventy to one hundred cases on the docket. Each of these cases gave him thirty-three and one third cents costs for every day of the term.

Russell held the office of Master in Chancery. In 1838 the Insolvent Law was enacted, and its administration was confided to Masters in Chancery. Russell soon gained a reputation for leniency in the matter of granting discharges to the insolvent debtors, and his business increased rapidly. His jurisdiction was the whole county, and although there were several masters in the county, his fame was such that petitions came from Lowell, Waltham and other places where masters had offices. I was appointed clerk in insolvency, at five dollars a day when a court was held. In this way I gained some needed income, acquired a knowledge of the Insolvent Law, and more than all, I gained the acquaintance of the leading lawyers of the county. As debtors and witnesses were examined, I may have gained something in practice. The Insolvent Law, amended, to be sure, has remained on the statute books of Massachusetts to this day, and the United States Bankrupt Law was modeled upon it. Indeed, there can never be any wide departure from the provisions of that statute, and from its principles no departure whatever can be made.

A leading man, and a character in the town, was Thomas A. Staples. He was a native of the neighboring town of Shirley. He was a man of large size, handsome figure, resolute in his purposes, and vindictive in his enmities. His chief business was that of stage proprietor, and mail contractor. He was

always in debt, and tardy, of course, in his payments. He was involved in lawsuits, and many of his debts were paid upon executions. His mail contracts were so large that he sublet many of the routes, and he was always in debt to sub-contractors. He had a stage office in Boston for a time at the Hanover House, and after that at No. 9 Court Street. His office was the headquarters of country traders and others who patronized his lines of stages. In the year 1838 or later, I was in his office when Alvin Adams, the founder of the Adams Express Company, made his first trip to New York as an express messenger. Staples afterward stated in conversation that Adams had but one parcel, and that he loaned him five dollars to meet his expenses. At that time Harnden's express was in operation with an office at No. 8 Court Street. Harnden's company disappeared in a few years, and the Adams Express Company became an institution that has the appearance of perpetuity. At a time perhaps as late as 1850, I met Adams on Washington Street, when he expressed the opinion that his business was as profitable as any business in the country.

Staples was engaged also in paper making with mills upon the upper falls of the Squannacook River. This branch of his business was especially unfortunate, and in 1836 he assigned his property to Henry Woods, Daniel Shattuck, and Joshua B. Fowle. Mr. Woods was a trader in whose employment I then was, having let myself to him when I left the Dix store December 1, 1835, for my board and \$150 a year. Agreement for one year. The assignees were all friends of Staples. The assignment was for the benefit of creditors in order. The last named was Calvin Childs, a blacksmith, to whom Staples owed about two thousand dollars. The assignees proceeded to execute their trust, and as collections were made, payments were made until all the debts were paid except the debt to Childs. Mr. Woods died in 1841. Shat-

tuck died in 1850, and the trust was not then executed. Fowle paid Childs six hundred dollars, but he made no settlement of the trust. In 1853 Childs applied to Russell for counsel and assistance. Russell filed a bill on the equity side of the court. A lawyer, named Fiske, of Boston, was retained by Fowle. Fiske answered. Russell employed the Hon. Charles R. Train to assist in the trial, but there was no hearing. In 1858 Train was elected to Congress. About 1860 Russell came to me for assistance and put into my hands a large bundle of papers relating to the case. At that time Russell was so impaired in health that he could not aid in the investigation. Upon an examination I found that the testimony of Staples was important. He then lived at Machias, Maine. By writing and interviews when I found him in Boston, I became satisfied that for a hidden reason he was resolved to have nothing to do with the case. As a last resort, I took out a commission and submitted interrogatories. The answers were evasive or valueless from loss of memory. Thus the case was delayed. In 1862 I was elected to Congress. Childs was an easy going man who made inquiries occasionally, but never complained. Upon my return from a session, about 1865, I resolved to bring the case to a close. I examined the papers carefully, and I found full material for a statement, although it cost labor to analyze the accounts. At that time Russell was dead and Fiske was dead. Mr. John Loring, a former partner of Fiske, took the case. Loring agreed to a hearing at Chambers. Chief Justice Chapman named a day. At the time named the clients and counsel appeared. I presented my statement in writing. Loring and Fowle said they knew nothing about the matter. My statement showed a balance of between \$400 and \$500 in Fowle's hands. I asked for interest. Fowle said he had been ready always to pay. I contended that it was his duty long before to have rendered an account, and made payment. Judge Chapman, with less

reason than courts have usually for their decisions, held that as he was always ready to pay, he was not justly chargeable with interest. I drew a decree, the judge signed it, Fowle paid, and Childs returned home that night. For ten years the case had been on the docket, when, if some one had made an examination of the papers it could have been disposed of in a day.

The controversy in New England between Trinitarians and Unitarians had culminated in Groton about the year 1825 in a division of the old town society and the organization of an orthodox church under the Rev. John Todd. His successor, a Mr. Kittredge, had charge of the Society in 1835, and for a short time afterwards. He was succeeded by Dudley Phelps, who was a man of ability and liberal in his religious opinions. From 1838 to 1841 the post-office was in my charge, although I held the office of postmaster only from February to April, 1841. Mr. Phelps was in the habit of sitting in the office and reading every sort of newspaper from the *Trumpet* to the *Investigator*. Although he was much my senior, and of differing opinions in politics and religion our relations were quite intimate. For several years we were joint subscribers for the four leading English reviews:—*Edinburgh*, *North British*, *Quarterly* and *Westminster*. My recollection is that he made the dedicatory prayer at the new cemetery, and that he was the first person buried in it. He was a man of talent and the father of two sons, who attained distinction at the bar in New York.

The Rev. Charles Robinson was the pastor of the old society then Unitarian, but without question as to the plenary inspiration of the Scriptures. He was a graduate of Harvard, a man of learning, and a writer of good sermons. In the delivery he was faulty to the last stage of awkwardness. His perceptive faculties were dull to a degree without a parallel in my experience.



In 1835 and for some time afterwards, there were four taverns and three stores at which intoxicating liquors were sold and the use of such liquors by farmers was greatly in excess of their use at the present time. In the early winter the country farmers from New Hampshire and Vermont going to Boston, with butter, cheese, pork and poultry, patronized the taverns, and gave the town an appearance of business which contrasts with the aspect of dullness that it now wears. The prices for entertainment at the taverns were moderate, and none of the proprietors accumulated property.

## VII

### BEGINNINGS IN BUSINESS

**I**N the autumn of 1837 as my second year with Mr. Woods was approaching a close, I informed him that I proposed to go to Exeter, N. H., attend the Academy, and then either enter college or proceed with the study of the law. At about the same time I corresponded with Mr. Abbott, the principal of the Academy, in regard to terms, board, etc. Upon this notice Mr. Woods made me a proposition to continue with him and share the business. He offered to furnish the capital, to give me my board, and one fourth of the net profits. My means were very small, the business was quite sure to yield a profit, and the prospect of gaining a small amount of capital at the age of twenty-three, when the partnership was to end, controlled me and I accepted the proposition. The partnership began March 1, 1838, when I was two months over twenty years of age. I had then been in Groton three years, and I had formed the acquaintance of many young men in the debates of the Lyceum, in business and in social ways. In connection with the Lyceum I prepared papers which I read as lectures. One of these papers upon banking, signed B., appeared in the Bay State *Democrat*, edited by Lewis Josselyn, the publisher. Another upon Conservatism and Radicalism, was also printed in the Bay State *Democrat*. As I did not give my name to Mr. Josselyn, and as the letters were mailed at Groton, he came there and after inquiries, called upon me. I admitted the authorship. This acquaintance continued for many years, and for many years I

was a contributor to his paper. He was elected secretary of the Senate in 1843 by the Democratic Party. A little later I wrote an article called "Gibbet Hill" in which I attempted to present the tradition concerning the hill in Groton which bears that name. That article was printed in the *Yeoman's Gazette* or the *Concord Freeman*. For several years beginning about the year 1836, I wrote one paper each year called a lecture. Several of these papers were printed in Hunt's *Merchants' Magazine*.

From 1835 to 1841 I occupied the store night and day and it was my custom to read and write until twelve, one or two o'clock in the morning. These were my years of hard study. Not infrequently, when a tendency to sleep was too heavy for study, I bathed my face and head in cold water and thus revived my faculties—a practice, however, that I cannot commend. Early in my residence at Groton, I formed the acquaintance and friendship of Dr. Amos B. Bancroft, a friendship which continued until his death in Italy in the year 1879. It was with Dr. Bancroft that I continued my studies in Latin. In 1835, he had finished his professional studies with Dr. Shattuck, of Boston, then an eminent physician. Dr. Shattuck had studied his profession with Dr. Amos Bancroft, the father of Amos B. Dr. Amos, as he was called, was a graduate of Harvard College in the class of Wendell Phillips, and at the close of his professional studies he was spoken of as the best educated physician who had entered the profession in Boston. At the time our acquaintance began, he was entering upon the practice of medicine, at Groton, in place of his father, who was then about sixty-five years of age, deaf, and not healthy in other respects, although he lived to the age of eighty years, and then died from an accident in State Street, Boston. Dr. Bancroft, Sr., lived in a house which stood about one hundred feet north of my present residence, and the office of Dr. Amos was on the spot now occupied by the

front of my house. At the close of business for the day, nine o'clock in the evening, I was in the habit of going to the office and reciting my Latin lesson, after which we discussed other matters. Upon my return to the store, I prepared myself for the next evening's recitation. In this way I read Cæsar and Virgil. In a closet in Bancroft's office there was a skeleton. That skeleton had a history, and possibly there may be a sequel to it. It was understood to have been the skeleton of a man named Jack Frost, who was tried, convicted and executed at Worcester for the crime of murder committed at or near Princeton. Dr. Bancroft, Sr., had been the owner of the skeleton. Oftentimes I rode Sundays with Dr. Amos. On the occasion of one of these drives, and after the death of Dr. Bancroft, Sr., we passed the house of a waggish old man named Asa Tarbell. After a little conversation Tarbell said, "I shall be over soon for Frost's skeleton." Dr. Amos, amazed, looked over and through his glasses, and said, at length: "Why, what do you mean?" Said Tarbell: "Some years ago, your father and I were playing, and I proposed to put up my uncle Ben against Frost. Your father agreed to the game, and I won. I told him I had no use for Frost at that time, and he might keep him." Tarbell's Uncle Ben was a man of inferior size, hardly more than a dwarf, who had been a drummer boy in the Revolution.

I bought the Bancroft estate in 1873, and my foreman, Mr. William A. Chase informed me that he had found a skeleton, in a barrel in a shed, and that he had buried it on the place. If again found it may lead to the suspicion that it is the skeleton of a murdered man, and not that of a murderer.

From 1835 to 1841, I read Locke, Say's Political Economy, Smith's Wealth of Nations, Plutarch, Josephus, Herodotus, Lingard, Hume and Smollett, Cicero, Demosthenes, Homer, Pope, Byron, Shakespeare, Boswell's Johnson, Junius, The Tattler, The Rambler, the English Reviews, French from

text-books without a teacher and Rhetoric (Blair's full edition). Much of Blair's Rhetoric I studied carefully and with great benefit. Some of my papers of those days were written and re-written four times. On the law side I read a few text-books: Blackstone, Story on the Constitution, The Federalist, De Lohme on the British Constitution, and some other works, probably, which I do not at once recall. If I gained some knowledge of the law as practised in the country, that knowledge was gained from an acquaintance with the lawyers of the town, with the students, and there were several usually, and from my opportunities as Clerk of the Insolvency Court.

In the year 1836, July 4, an Act was passed by Congress, granting to a class of widows of soldiers of the War of the Revolution, a pension for the term of five years. The towns of Groton, Pepperell and Shirley had supplied a large number of soldiers, and there were many widows who were entitled to the benefits of the Act. My acquaintance as clerk was already large, and my studies with Russell had given me the faculty of preparing ordinary papers, and I at once commenced canvassing for the business. I obtained in all about fifty cases under the Act of 1836. Subsequently I obtained other cases under the Act of 1838. I sent the applications forward to Washington, and in a few cases certificates were received in return. In a majority of cases there was a delay. The women became anxious and their visits and importunities were annoying. In the month of January, 1839, I joined Gen. Staples and made a visit to Washington. Staples' object was to make mail contracts, or to arrange existing difficulties. My purpose was to obtain action on pension applications. Our journey was a slow one, if not tedious. From Groton to Boston by stage, and from Boston to Stonington, Conn., by rail; from Stonington to New York by steamboat; from New York to Perth Amboy by steamboat; from Perth Amboy by rail, I think, but possibly by stage to a town on the

Delaware River, Franklin perhaps. From that point to Philadelphia, by steamboat. Our journey from Philadelphia to Washington was by rail in part and in part by stage. We passed the creeks between the Susquehanna and Baltimore upon a railroad.

We stopped overnight in New York, and went to the Park Theater. Another night we spent in Philadelphia, and went to the Chestnut Street Theater. Staples had a fondness for theaters, and on these occasions I followed his example. I had been in a theater but once, when I saw Forrest in Boston, in *King Lear*. At Philadelphia I bought a copy of Byron for three dollars. That volume I yet have.

The Hon. William Parmenter, a Democrat, then represented the district in Congress, and I carried one or more letters to him—one from my employer Mr. Henry Woods, who was an active Democrat. Mr. Parmenter was then about fifty years of age, of heavy frame, swarthy in complexion, and a man of good natural abilities. He took me to Mr. Van Buren. We found him alone, well dressed, polite and rather gracious than otherwise. Quite early in my visit, Mr. Parmenter took me to the Pension Office, then presided over by Mr. Edwards. Mr. Parmenter stated his business, and immediately attention was given to my applications. In the course of a few days some of the cases were disposed of, and in a few weeks my docket was clear.

Caleb Butler was then postmaster at Groton. He had had the place, probably from the days of John Quincy Adams, for as he was a violent Whig, he could not have received his appointment from General Jackson. My employer, Mr. Woods, was an applicant for the post-office, he being the only Democrat in the street who had accommodations for the office. I carried papers in support of the application. Those I gave probably to Mr. Parmenter, as I have no recollection of any interview with any post-office official. Amos Kendall was

then Postmaster-General. He was a native of Dunstable, and he had been a student at the Groton Academy when Mr. Butler was the preceptor. Naturally and properly he sustained his old teacher. The change however was made, and upon the express instructions of Mr. Van Buren it was said. Mr. Woods retained the office until his death in January, 1841, when I was appointed without any agency of my own, but by the agency as I supposed of Gen. Staples. Upon the election of General Harrison I was removed in the month of April, and Mr. Butler was reappointed, an act of which I never complained, nor had I any reason to complain.

At Washington we stopped at Gadsby's Hotel, now the National. There I met and had some acquaintance with Matthew L. Davis, "the Spy in Washington" as he called himself. He was a newspaper correspondent and the biographer of Aaron Burr. He was a great admirer of Burr. Davis wore very thin clothing, scouted overcoats, and boasted that he slept always in a room with open windows, and under very light bed clothing. He was old and conceited, and as a permanent companion, he could not have been otherwise than disagreeable.

At the Supreme Court I heard arguments by Webster and Crittenden, on opposite sides. In the Senate I heard Webster, Clay, Calhoun, and others in running debate, but not in prepared speeches. The Senate then contained many other men of note. Silas Wright, of New York; Preston, of South Carolina; Benton, of Missouri; Linn, of Missouri, more remarkable for personal beauty than for talents. In the House Mr. Adams was then a chief figure. His contest over the right of petition had commended him to one portion of the country, and made him the object of hostility to another portion. I recall one Monday, when he had the right to present petitions, and although they were laid on the table without debate he was able to consume time by presenting them singly. As the supply in

his hands and on the table seemed inexhaustible, a compromise was made finally, and the petitions went in in mass. Of other speakers that I heard I recall Henry A. Wise, and Sergeant S. Prentiss. Of their style and quality I can say nothing. The reported speeches of Prentiss do not justify the reputation that he enjoyed as an orator when living.

The incident which produced the most lasting impression upon me, when in Washington, was an interview with a slave, a woman fifty years or more of age. I had then no love for the system of slavery. I had read Clarkson's and Wilberforce's writings, and I knew the history of the struggle in England for the abolition of the slave trade, and slavery in the British West Indies. I had also attended some anti-slavery meetings in Massachusetts, at which the leaders, Phillips, Garrison, Foster, Parker, and Pillsbury had denounced the institution. Groton was a center of anti-slavery operations in that part of the State. Several copies of the *Liberator* were taken in the town, and anti-slavery meetings were held not infrequently. The first speech that George Thompson made in America was made in Groton.

One Sunday morning I walked out towards what is now called the Island. The road was marked by a rail fence, but of buildings there were none. I went so far that I was near the slave pen, a building now standing and which I have visited within a few years. It was of brick, enclosed within a brick wall, and all of a dingy straw color. At a short distance from the building, I met a black woman walking slowly away from it. I said to her: "What building is that?" At once she was in tears, and she said: "That is the pen where the poor black people are kept who are going down to Louisiana." She had then been to visit her daughter, a girl about eighteen years of age, according to the mother's statement, who was to leave the next morning. She was the last of a family of nine as the woman said, who had been



sold and taken away from her. As I was leaving I said: "Who is your master?" She answered: "Mr. Blair, of the *Globe*." In the fourteen years of my manhood, that I acted with the Democratic party, I never said anything in favor of the system of slavery. If otherwise I might have done so, the interview with that old woman would have restrained me.

## VIII

### FIRST EXPERIENCE IN POLITICS

**A**T the spring election of Groton in 1839, I was chosen a member of the school committee. The other members had been in the service in previous years. They were the Rev. Charles Robinson, the Rev. Mr. Kittredge, Dr. Joshua Green, and Dr. George Stearns. In the early Colonial period the "minister" was often the school-master also. Naturally he took an interest in the education of the children, and previous to the time when school committees were required by statute, he was the self-constituted guide of the teachers and schools. Indeed, the schools were parochial. Whenever the minister visited a school he made a prayer, and the morning exercise in reading was in the New Testament Scriptures,—two verses by each pupil. In 1840 the entire board was rejected, and a board composed of school teachers and non-professional men was chosen.

In 1838 the Massachusetts Legislature passed what was known as the Fifteen-Gallon Law. The statute prohibited the sale of distilled spirits in "less quantity than fifteen gallons." It did not take effect immediately and the election of that year was not seriously disturbed, but before the autumn of 1839 the State was thoroughly aroused. A cry was raised that it was a law to oppress the poor who could not command means to purchase the quantity named, while the rich would enjoy the use of liquor notwithstanding the statute. The town of Groton was entitled to two members in the house of repre-

sentatives. Both parties nominated candidates who favored the repeal of the Fifteen-Gallon Law. The temperance voters put a ticket in the field, the Rev. Amasa Sanderson, the minister of the Baptist Society, then a new organization, and feeble in numbers and wealth, and myself. At that time my associations were largely with Whigs, but I was opposed to a national bank, and in favor of free trade. With those views it was not possible for me to act with the Whig Party on national questions or in national contests. Mr. Sanderson and I received about seventy-six votes, and as none of the candidates had a majority, the town was unrepresented.

Edward Everett was Governor when the law was passed, and he was a candidate for re-election in 1839. I supported Mr. Everett on the temperance issue against Judge Marcus Morton, who was the candidate of the Democratic Party. Judge Morton had been on the bench of the Supreme Judicial Court where he had the reputation of an able judge by the side of Shaw, Wilde and Putnam. At that time I had not seen Morton or Everett. In the year 1836 or 1837 I went to Boston to hear Alex. H. Everett deliver a Democratic Fourth of July oration. The effort was a disappointment to me. A. H. Everett had a reputation as an orator, but he was far inferior to his brother Edward. In later years I heard Edward Everett often. His genius in preparation and in the delivery of his orations and speeches was quite equal to anything we can imagine at Athens and by Athenian orators, excepting only the force of the argument.

In 1851 or 1852 I was present at an agricultural fair at Northampton and in company with Mr. Everett. After dinner speeches were made. When we rode to the fair grounds in the morning a dense river fog covered the valley but at ten o'clock it lifted, and the day became clear. At the dinner Mr. Everett in his speech described the morning, the dense fog, the lifting, the sun illumin-

ing first the hills and then the valleys, revealing the spires of the churches, etc. For the moment I was deceived. But when he had concluded I saw him hand his manuscript to a reporter and the speech appeared the next morning, verbatim as he had delivered it. He knew the river towns, and he knew that every fair day in autumn was preceded by a dense fog, and the speech was written upon that theory. What alternative he had prepared in case of a rain, I know not.

As a judge, and at the same time the candidate of the Democratic Party for Governor for many years, the rank and file of the party came to regard Judge Morton as a man of fine abilities and sterling integrity. His abilities were sturdy rather than attractive. In this respect he was the opposite of Governor Everett. In the canvass of 1839 Morton was elected by one vote in a contest of unusual warmth. This election removed him from the bench, much to his regret, it was said, as under the circumstances he could hardly hope for a re-election. The House and Senate were controlled by the Whigs, and the Governor was surrounded by a council composed of Whigs. The Fifteen-Gallon Law was repealed and in other respects the government was not different from what it would have been had Mr. Everett been re-elected.

Governor Morton continued to be the Democratic candidate, and though defeated in 1840 and 1841 by John Davis, he was again elected in 1843 by the Legislature, there having been no choice by the people, a majority being required. The Senate was Democratic by a considerable majority. The House was equally divided at the opening of the session, and there were four abolitionists who held the balance of power. After several trials the Whigs succeeded in electing Daniel P. King of Danvers, by the help of one or more of the abolitionists. There were several contested seats, and when the house had been purged, as the process was called, the Democrats were in a majority. The session was a short one. A few political

measures were passed, salaries were reduced, and much below a reasonable compensation for those days even. Governor Morton had a Democratic Council, but they were not agreed in policy and the administration lost strength even with Democrats. Its defeat, in the autumn was inevitable, and Gov. Morton ceased to be a candidate for an office that he had sought in twenty elections and gained in two. With others I lost confidence in his ability, but that confidence I afterwards regained.

He was a member of the Massachusetts Constitutional Convention of 1853, and in that body his ability was conspicuous. His style was clear and logical, and his processes of reasoning were legal and judicial in character. In his speeches he avoided authorities and spurned notes. He prepared himself by reading and reflection, and the arrangement was dictated by the logic of the case. His speeches were the speeches of a strong man, and he was a dangerous antagonist in debate. His reasoning was faultless and he kept his argument free from all surplus matter.

In a conversation that I once had with him at his home in Taunton, he said that the best legal argument to which he had ever listened was made by Samuel Dexter. As Governor Morton had heard Pinckney, Wirt, Webster, Mason, Choate, Curtis and many others, the praise of Dexter was not faint praise.

## IX

### THE ELECTION OF 1840

**I**N the early summer of 1840 the great contest began, which ended in the defeat of Mr. Van Buren and the election of Gen. Harrison to the Presidency. The real issues were not much discussed—certainly not by the Whigs. In reality the results were due to the general prostration of business and the utter discredit that had fallen upon General Jackson's pet bank system. The Independent Treasury System, as it was termed by Democrats, or the Sub-Treasury System, as it was called by the Whigs, had not been tested.

The country was tired of experiments and all the evils, which were many, that then afflicted the people, were attributed to the experiments of General Jackson in vetoing the bills for the recharter of the United States Bank and for the institution of the pet bank system. In truth the country was wedded to the idea that the funds of the government should be so placed that they could be used to facilitate business. That idea and the practice arising from it were full of peril. In the infancy of a country, when the resources are inadequate, a national bank, assuming that it is managed honestly and wisely, may be an important aid, but time being given, it will inevitably become a political machine in a country, like the United States, where the political aspirations of the people are active and the temptations to seek the aid of the money power are always great. Even in modern times, with a surplus of millions in the banks of the city of New York, for

which no proper use can be found, there are indications of a purpose to return to the pet bank system under another name.

Gen. Harrison, the nominee of the Whig Party, was then sixty-seven years of age by the record, but the public opinion credited him with several more years. His mental powers were not of a superior quality, and his life had not been of a sort to develop his faculties. He had done good service in the Indian wars of the frontier and as commander at the battle of Tippecanoe he had won a reputation as a soldier. During the war of 1812, he commanded the army of the Northwest, and with honor. He had had a seat in each House of Congress, he had represented the government at the capital of a South American Republic, and all with credit, and all without distinction. His career had been sufficiently conspicuous to justify his friends in eulogies in the party papers and speeches; and neither as good policy nor just treatment should his opponents have been betrayed into criticisms of his military and civil life. The Democrats were unwise enough to raise an issue upon his military career, and the result was greatly to their loss. His frontier life in a log cabin was also the subject of ridicule at the opening of the campaign. The Whigs accepted the issue, built log cabins on wheels and drew them over the country from one mass meeting to another. The unfortunate remark was made by a writer or speaker that if Harrison had a log cabin and plenty of hard cider he would be content. A barrel became the emblem of the Whig Party. The log cabin was furnished with a cider barrel at the door, and the emblematic barrel was seen on cane heads and breast pins.

Mr. Webster struck a fatal blow at the error of the Democratic Party:—"Let him be the log cabin candidate. What you say in scorn we will shout with all our lungs. \* \* \* It did not happen to me to be born in a log cabin; but my elder

brothers and sisters were born in a log cabin raised amid the snow drifts of New Hampshire, at a period so early that when the smoke first rose from its rude chimney and curled over the frozen hills there was no similar evidence of a white man's habitation between it and the settlements on the rivers of Canada. \* \* \* If ever I am ashamed of it, or if I ever fail in affectionate remembrance of him who reared it, and defended it against savage violence and destruction, cherished all the domestic virtues beneath its roof, and through the fire and blood of a seven years' Revolutionary war, shrunk from no danger, no toil, no sacrifice to save his country and to raise his children to a condition better than his own, may my name and the name of my posterity be blotted forever from the memory of mankind."

John Tyler of Virginia, was placed on the Whig ticket as the candidate for Vice-President. Tyler had been a Democrat and the opinions of the States Rights wing of the Democratic Party were his opinions, notwithstanding his associations with the Whig Party. His nomination was due to the disposition to balance the ticket by selecting one of the candidates from each wing of the party—and there are always two wings to a party.

Of poetry the Whig writers furnished much more than was enjoyed by Democrats. An effort was made to stay the tide in favor of Harrison by poetry as well as by argument. The effort was fruitless. The contest of 1840 had its origin in the most distressing financial difficulties that ever rested upon the country, and it was conducted on the part of the Whigs by large expenditures of money, for those days, and with a degree of hilarity and good nature that it is difficult now to realize. This may have been due to general confidence, and to a consequent belief that a change of administration would be followed by general prosperity.

The Whigs were not under the necessity of submitting



arguments to their followers, and the arguments of Democrats were of no avail. The Whig papers in all parts of the country contained lists of names of Democrats who were supporting General Harrison. Occasionally the Democratic papers could furnish a short list of Whigs who declared for Van Buren in preference to Harrison. The most absurd stories were told of the administration, and apparently they were accepted as truth. Charles J. Ogle, of Pennsylvania, delivered a speech in the House of Representatives in which he marshaled all the absurd stories that were afloat. He charged among other things that Van Buren had sets of gold spoons. The foundation for the statement was the fact that there were spoons in the Executive Mansion that were plated or washed with gold on the inside of the bowls. Those spoons were there in General Grant's time, but so much like brass or copper in appearance that one would hesitate about using them. Another idle story believed by the masses was that the Navy bought wood in New Orleans at a cost of twenty-four dollars a cord and carried it to Florida for the use of the troops during the Seminole war of 1837-8. Isaac C. Morse, of Louisiana, was one of the Congressional bearers or mourners at the funeral of John Quincy Adams, in 1848. He was a Whig member and his district in 1840 was on the Texas frontier. At one of the evening sessions of mourning, while the Committee was in Boston, he gave an account of his campaign, and he recited a speech made by a young orator who went out with him as an aid. The speech opened thus: "Fellow Citizens; who is Daniel Webster? Daniel Webster is a man up in Massachusetts making a dictionary. Who is General Harrison? Everybody knows who General Harrison is. He is Tippecanoe and Tyler too. But who is Martin Van Bulen? Martin Van Bulen! He is the man who bought the wood in the Orleans, paid twenty-four dollars a cord for it, carried it round to Florida

and had to cut down the trees to land it." A fellow in the crowd cried out, "Carrying coals to Newcastle." "Yes," said the speaker, "them coals he carried to Newcastle. I don't know so much about the coals, but about the wood I've got the documents."

The general public was not only disposed to accept every wild statement, but the average intelligence was much below the present standard, and the means of communication were poor. If, however, there had been no canvass, the overthrow of Van Buren would have occurred. The defeat of the United States Bank, and the failure of the pet bank system, had been attended by disorders in the finances, the ruin of manufactures, a reduction in wages, with all the incident evils. As these evils were coincident in time with the measures, the measures were treated as the guilty cause. Beyond question, Mr. Clay's tariff bill contributed to the troubles.

George Bancroft, the historian, was then collector of the port of Boston. He took an active part in the canvass in Massachusetts. On the evening of Saturday previous to the election in Massachusetts, he spoke at Groton in a building afterwards known as Liberty Hall.\*

Mr. Bancroft had a full House, but not an enthusiastic one. Many of his hearers were Whigs, who came from curiosity, but not to cheer the speaker. Moreover, the news of the New York election, then held the first three days of the week, was not encouraging to Democrats. After the meeting Mr.

\* It was then an unfinished building and stood where the Willow Dale road connects with Hollis Street. The building had been erected by a body of people who advocated the union of all the churches. They called themselves Unionists. Their leader was the Rev. Silas Hawley. He was a vigorous thinker, a close reasoner, and he displayed great knowledge of the Bible. His following became considerable. The excitement extended to the neighboring towns and for a time serious inroads were made upon the churches of the village.

The no-creed doctrine was accepted by some who never believed in any creed, and by others who had believed in creeds that they then thought

Bancroft was taken to the tavern, where a supper was served to him and to a small number of Democrats. Mr. Bancroft was excited, and walking the room he said :—" I do believe if General Harrison is elected, Divine Providence will interfere and prevent his ever becoming President of the United States." These words of disappointment seemed prophecy, when the death of Harrison occurred within thirty days after his inauguration.

In his address Mr. Bancroft spoke with great confidence of the vote of New York. There were some conscientious Democrats in his audience, who remembered the remarks, and it was with great reluctance that they gave him their votes when he was a candidate for Governor in 1844.

The more considerate members of the Democratic Party apprehended defeat from the opening of the canvass. As early as June 17, the Whigs had enormous mass meetings at Boston and Bunker Hill. The Democrats were not inert. The Governor of the State was a Democrat and there were those who had hopes of his re-election. In set-off of the great meeting of the 17th of June at Charlestown, the Democrats prepared for a similar meeting on Lexington Green, July 4. The concourse of people was large. Governor Morton was present and spoke. I there met William D. Kelley, who spoke to a portion of the crowd from a wagon. He was then employed in a jeweller's establishment in Boston.

Groton sent a company of volunteers for the day numbering about seventy-five men, under command of Captain Wil-

were false. In the year 1838, Hawley convened a "World's Convention" at Liberty Hall, called by the wicked "Polliwog Chapel," to consider the subject of uniting all the churches in one church without a creed.

One afternoon early in the week of the session, I saw three men walking on the street towards Liberty Hall, with knapsacks buckled on their backs. One of these was Theodore Parker, one George Ripley, and the third, I think, was Charles A. Dana. In this I may be in error. Parker told me in after years when he had a wide-spread reputation, that his first public speech was made in that convention.

liam Shattuck, then a sturdy Democrat and afterwards an equally sturdy Republican. Shattuck was the grandson of Captain Job Shattuck, of Shays' Rebellion. Job Shattuck had been a captain in the War of the Revolution, and he was always an earnest patriot. He was also a man of wealth, having large possessions in land, and being wholly exempt from the pecuniary distresses that harassed the majority of men, from the close of the war to the close of the century. Job Shattuck's action was due to his sympathy for the sufferers and to his sense of justice. In every town there were traders and small capitalists who had supplied the families of soldiers who were absent in the service.

Either by mortgage or by executions, the creditors had secured liens upon the homesteads of the soldiers and from 1783 to 1789 the liens were enforced. Petitions went up to the General Court for a stay act. James Bowdoin was Governor. The General Court did not listen to the appeal. Daniel Shays and others organized forces for the suppression of the Courts. Shattuck was the leader in the county of Middlesex, and at the head of his force he broke up the Court at Concord. Finally he was arrested. Major Woods, who had been an officer in the war, was in command of the Government forces. Shattuck was secreted at the house of one Gregg, who lived near where the house of John Gilson now stands. The season was winter. It was believed that Gregg betrayed Shattuck. When Shattuck discovered his peril, he fled and made his way toward the Nashua River, which was then frozen. His pursuers followed, but at unequal pace. When he had crossed the river, he saw that the three men in sight were widely separated from each other. Shattuck turned, and for a time he became the pursuer. The first man ran, then the second, but finally Shattuck fell on the ice, with sword in hand. His pursuers seized him. Upon his refusal to surrender his sword, they cut the cords of his hand, and wounded him in the

leg. He was tried, sentenced to be hanged, and confined in the jail at Concord.

The election of 1786 turned upon the questions at issue, and especially upon the execution of the persons under sentence. Bowdoin was the candidate of the "Law-and-Order Party," and John Hancock was nominated by the friends of the convicts. Hancock was elected by a vote of about nineteen thousand against less than six thousand for Bowdoin. The convicts were pardoned, and a stay law was passed. The demand of the Shays men was reasonable, and the Government was guilty of a criminal error in resisting it.

The Shays Rebellion was beneficial to Massachusetts, and it contributed to the argument in favor of the Constitution of the United States.

The town of Groton continued in the control of Shattuck and his friends for many years after the suppression of the Rebellion. During that period he was drawn as a juror. When his name was called the judge repeated it, and said, "Job Shattuck! He can't sit on the jury in this Court." As Shattuck came out of the seat limping he said: "I have broken up one Court here, and things won't be right, until I break up another."

Something of the spirit of Job Shattuck has been exhibited in the larger portion of his numerous descendants. They have been devoted to liberty and just in their dealings. These two qualities were conspicuous in his grandson, Captain William Shattuck.

I took part in the canvass of 1840 and made speeches in Groton and in several of the towns in the vicinity. I was also the candidate of the Democratic Party for a seat in the House of Representatives. There was no opposition for the nomination, although there were many Democrats who thought that my defection the preceding year had prevented the election of the Democratic candidates. My temperance

opinions were offensive to many, if not to a majority of the party. On the other hand there were a number of young members of the Whig Party whose votes I could command. As a final fact, the political feeling was then so strong that all considerations yielded to the chances and hopes of success.

My opponent, and the successful candidate, was Mr. John Boynton, afterward, and for a single year, a member of the senate. He was a native of the town, a blacksmith by trade, and the son of a blacksmith. He was a man of quiet ways, upright, and known to every voter. He had been in the office of town clerk for many years, he had been kind to everyone, and he had no enemies. Boynton was elected, but by a moderate majority. But for the excitement of the Presidential election, the contest would have been very close.

The death of General Harrison and the elevation of John Tyler to the Presidency wrought a great change in the fortunes of the Whig Party. Soon after the assembling of Congress at the extra session, called by President Harrison, a bill for a Fiscal Bank was passed by the two Houses. and vetoed by President Tyler. The veto message was so framed as to encourage the Whig leaders to pass a second bill in a form designed to avoid the objections of the President.

In the discussion upon the veto of the first bill, Mr. Clay assailed the President in such terms that a reconciliation was impossible. From that moment it was the purpose of the President to co-operate with the Democratic Party. A second bill was passed. That was also vetoed by the President. Early in September all the members of the Cabinet resigned except Mr. Webster. The outgoing members gave reasons to the public, and Mr. Webster gave reasons for not going. Caleb Cushing, Henry A. Wise, and a few other Whigs, called the Omnibus Party chose their part with Webster and Tyler. The Whig Party was divided, hopelessly.

Previous to the division, a bill had passed, which had

been approved by the President, for the repeal of the Independent Treasury System. The ardor of its enemies was such that no substitute was provided. The expectation was that a Fiscal Bank, or Fiscal Agent, would be created. The failure of the bank bills left the Government without any lawful system of finance. The pet bank system was restored, in fact. The rupture in the Whig Party contributed to its defeat in Massachusetts at the election in 1842, but the party was so compact in 1841 that its triumph was assured. Mr. Webster defended his course, and with few exceptions his conduct was either approved or tolerated in Massachusetts.

## X

### MASSACHUSETTS MEN IN THE FORTIES

**I**N 1841 I was again a candidate for the House, and I was elected by the meager majority of one vote. As a member for the year 1842 I made the acquaintance of many persons, some of whom became distinguished in state and national politics. The leading members on the Democratic side were Samuel C. Allen of Northfield; Nathaniel Hinckley of Barnstable; Seth Whitmarsh, of Seekonk; Seth J. Thomas, Richard Frothingham, of Charlestown, and James Russell, of West Cambridge. Allen was a son of the Samuel C. Allen, who had been a member of Congress, a member of the old Republican Party of Jefferson, and the author of the saying: "Associated wealth is the dynasty of modern states." Another son was Elisha Allen, who was then a member of Congress from Maine, elected in 1840. He was afterwards our Commissioner to the Sandwich Islands, and subsequently he was Minister from the Islands to the United States.

Samuel C. Allen, Jr., was a vigorous, incisive debater, His speeches were brief, direct, and disagreeable to his opponents. He followed Mr. Webster's advice to the citizens of Boston—he "made no long orations" and in those days, he "drank no strong potations."

Thomas was an energetic, capable man, a ready debater, although of limited resources in learning. Whitmarsh was an unlearned country leader, whose speeches were better adapted to a neighborhood gathering of political supporters, than to



the deliberations of an assembly charged with a share in the government of a state. Hinckley was an original thinker, with a hobby. His purpose was to secure the abolition of the rule which excluded from the witness-stand those who did not believe in a personal God. This he accomplished, and by the aid of the arguments that are formulated in Stuart Mill's *Treatise on Liberty*, but they are not there more clearly presented by Mill than they had been presented by Hinckley in the debates of 1842 and 1843 in the Massachusetts House of Representatives. Hinckley was a bore, but the object was accomplished through his agency. Since that time such parties have been permitted to testify, and the day should come speedily when the laws should be so changed as to allow the husband and the wife to testify in all cases where they happen to be jointly interested or opposed to each other.

In judicial investigations, all who know anything should be permitted to speak, and of their credibility the court and the jury should judge. No one should be kept from the witness-stand upon the ground of interest or feeling. Interest in a party or a cause may be a temptation to perjury. In a majority of contests, however, the truth will be told voluntarily even by interested or infamous persons, and in cases where the witness indulges in falsehood the skill of attorneys and the judgment of the court will enable the jury to reach a correct conclusion.

Frothingham was a student, a fair speaker, but destitute of the qualities of an orator and too timid for leadership. A parliamentary leader may, or may not, be a leader of opinion. Mr. Clay was both. Mr. Webster was a leader in opinion, and whatever leadership was accorded to him in the Senate of the United States was due to the recognized fact that he represented a constituency of opinion larger than his constituency as a senator. In the case of Mr. Sumner that was more conspicuously true. As a mere parliamentary leader, his

standing was low. He was not fertile in resources; he was not ready in debate; his arguments rested upon authorities; and these he could not always command in season for the emergency. But it was admitted that he either represented a great body of American citizens in opinion, or that a great body of American citizens would accept his opinions whenever he made them known.

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In competition with the leaders of the Democratic Party of the Massachusetts House of Representatives in 1842 it was not a hard task to acquire a fair standing, but in truth I never thought of the results of my labors as they might affect my standing.

The Whig side of the House was at once more able and more numerous. The city of Boston was a Whig city by a large majority. Its members, about forty, were chosen on one ticket. The list was prepared by the city committee, and each year some young lawyers, merchants, and tradesmen, or mechanics, were brought forward. The vacancies that occurred enabled the committee to compliment a retired merchant, or successful mechanic, with a seat in the House. The attendance of members was not enforced, and it was quite irregular. A full House consisted of about three hundred and fifty members, but sixty was a quorum. It was common for merchants and lawyers to call at the House, look at the orders of the day, and then go to business. In an exigency they were sent for and brought in to vote.

The House was not a place for luxurious ease. The members sat on long seats without cushions, having only a narrow shelf on the back of the seat next in front on which with care a book might be laid or a memorandum written. A drawer under the seat for the documents constituted a member's outfit. There were four wood fires—one in each corner of the great hall. Members sat in their overcoats and hats, and in

one of the rules it was declared that when "a member rises to speak, he shall take off his hat and address the speaker."

Boston sent John C. Gray, John C. Park, Charles Francis Adams, George T. Bigelow (afterwards Chief Justice of the State), Edmund Dwight, Charles P. Curtis, George T. Curtis, John G. Palfrey and others who were men of mark.

From other parts of the State there were Alvah Crocker, of Fitchburg; Henry Wilson, of Natick; Thomas Kinnicutt and Benjamin F. Thomas, of Worcester; John P. Robinson and Daniel S. Richardson, of Lowell; Samuel H. Walley, Jr., of Roxbury, and others.

Mr. Gray was a son of William Gray, the leading merchant of Boston at the close of the last century. Mr. Gray was kept in the House for many years. He was familiar with the rules and usages, and his influence within certain limits was considerable. His integrity was undisputed. Nobody suspected him of personal interests in anything. As chairman of the Committee on Finance, he guided the expenditures of the State with economy and rigid justice. As a speaker his powers were limited to a statement of the facts bearing upon the case. To argument in any high sense he did not aspire.

John C. Park was a good talker. His resources were at his command. His style was agreeable, his argument clear, his positions reasonable, and yet his influence was extremely limited. His experience as a lawyer was the same, substantially. He was not capable of carrying the mind of the hearer to conclusions from which there was no escape.

Of the Whig members, Charles Francis Adams was the person of most note—due to his family and name. He was then thirty-five years of age. He was born into a family of culture, and from the first he enjoyed every advantage that could be derived from books and from the conversation of persons of superior intelligence.

If we include the earliest period of life, the majority of

mankind acquire a larger share of knowledge from conversation than from reading or observation. Mr. Adams had had the best opportunities for development and improvement from each and all of the three great sources of knowledge. With all these advantages he could not have been included in the first ten on the Whig side of the House. His style of speaking was at once nervous and oracular. His voice and manner were not agreeable, and he had a peculiar violent jerk of the head, as though he would separate it from his body, whenever he became excited or bestowed special emphasis upon a remark. John Quincy Adams had the same peculiarity which I had observed in 1839 in his controversy for the right of petition. In political information Mr. Adams was the best instructed man in the House.

In those days the slavery question in some form was the topic of debate and of resolves by the two Houses. Among these the right of petition and the abolition of slavery in the District of Columbia were the most conspicuous. In these debates and proceedings Mr. Adams was the leader. When he became a member of the Thirty-sixth Congress and was appointed upon the committee of thirty-three, he accepted a surrender to the slave power, which would have given to slavery a perpetual lease of existence, if institutions and constitutions could have preserved it. The surrender to slavery, had it been accepted, would have burdened a race with perpetual servitude and consigned the Republic to lasting disgrace. It is to be said, however, that Mr. Adams but yielded to a public sentiment that was controlling in the city of Washington in the winter of 1860-61, and which was then formidable in all parts of the country. The concession or surrender was accepted by many Republicans, including Mr. Corwin of Ohio who was chairman of the committee of thirty-three.

From 1840 to 1850 I was a member of the Legislature for seven years. A large body of the people led by

Robert Rantoul, Jr., William Lloyd Garrison and Wendell Phillips were in favor of the abolition of capital punishment. Many of the clergy, especially of the orthodox clergy, opposed the change, and for support quoted the laws of Moses. Sermons were preached from the text: "Whoso sheddeth man's blood, by man shall his blood be shed." If this text is treated as a philosophical statement, based upon human nature, that those who resort to blood to avenge their wrongs will get a like return, then the proposition has wisdom in it; but it is the essence of a bloody code if it mean that either the State or the individual sufferer should take a human life either for revenge, punishment, or example.

At a session in the Forties the House was made indignant one morning by the introduction of a petition by Mr. Tolman, of Worcester, asking that the clergy who approved of capital punishment should be appointed hangmen. A motion was made to reject the petition without reference. I interposed and called attention to the similarity between the position the House was thus taking and the position occupied by the National House of Representatives in regard to petitions upon the subject of slavery. The suggestion had no weight with the House. The petition was rejected without a reference.

The next morning the messenger said Mr. Garrison wished to see me in the lobby. I found Mr. Garrison, Wendell Phillips and William Jackson with bundles of petitions of the kind presented by Mr. Tolman. They assumed that as I had advocated the reference of the Tolman petition I would present others of a like character. I said, "Gentlemen, when petitions are presented by a member upon his personal responsibility I shall always favor a reference, but as to the presentation of petitions, I occupy a different position. I must judge of the wisdom of the prayer. In this case I must decline to take any responsibility." The petitions were pre-

sented by Mr. Tolman and the House retreated from its awkward position.

George T. Bigelow was one of the ablest, if not the very ablest, of the Whig leaders. His style of speech was plain, direct, and free from partisan feeling. His statements were usually within the limits of the facts and authorities. His temper was even and his judgment was free from feeling. He possessed those qualities which made him an acceptable judge of the Court of Common Pleas, and afterwards, when he became Chief Justice of the Supreme Court, gave him a conspicuous and almost eminent position as jurist.

George T. Curtis was fastidious, and sometimes he was supercilious, in his speeches to the House. His influence was exceedingly limited, and he carried on a constant but useless struggle in the hope of extending it.

Samuel H. Walley, Jr., of Roxbury, was for a time, chairman of the Committee on Finance, and one whose integrity and competency were never doubted by anyone. The revenues and expenditures of the State were then insignificant, relatively, in amount, but the people were poor as compared with their condition in 1880 and subsequently. Every appropriation was canvassed in every shop and on every farm. Mr. Walley maintained a strict economy and the expenses of the State were kept at the lowest point consistent with the wise administration of affairs.

Nevertheless the Democratic Party, acting in error, attacked the expenses, discussed the items in the canvass of 1842, and when they came to power in 1843 they made serious reductions, especially in the matter of salaries of public officers, and all, as I now think, unwisely.

In the sessions of 1842 and 1843 there came from the town of Woburn, Nathaniel A. Richardson. When elected he was only twenty-one years of age. His election was due to the local fame he had acquired as a speaker in the Lyceum of the

town. His career was brief. Whether he had in him the elements of success cannot now be known, but it was manifest that he did not get beyond words in his speeches.

His speeches were lacking in information and his powers of argument were weak and limited. His most noted speech was in support of a resolution in favor of refunding to General Jackson the fine of one thousand dollars that had been imposed upon him by a New Orleans judge. Richardson's opening sentence was this: "I rise, Mr. Speaker, and throw myself into the crackling embers of this debate,"—from which, in the judgment of the House, he never emerged.

The Lyceum, as it existed from 1840 to 1850, has disappeared, and to the loss of young men who may be called to take part in public affairs. In many cases, however, it led to the development of a style of speaking that was not adapted to political discussions or to the profession of the law. Speaking and writing should be pursued at the same time, and study is an essential condition of success. In public assemblies, even in those that are composed of selected persons, there is always an opportunity for a well-trained man, who is also carefully and fully informed upon the subject under debate, to exert an influence and not infrequently he may succeed in securing the acceptance of his opinions.

But study alone will not make a good or even an acceptable speaker, unless there is added also a period of careful practice. There are many men of learning whose faculty for speaking is so limited that their awkwardness is more conspicuous than their knowledge. The Lyceum may be made a school of practice. The business should not be limited to topics that do not excite feeling. The contests of the world rest largely upon feeling, often degenerating into mere passion. Those who are to take part in such contests should learn at an early period of life to control their feelings and passions. Such benign results can be reached only by experience. Let the

debates of the Lyceum deal with questions of living interest, and those who take part in such contests will learn to control their feelings and thus prepare themselves for the business of life.

John P. Robinson, of Lowell, was the best equipped member of the House of 1842. He was then in the prime of life in years, but already somewhat impaired. He was a thoroughly educated man, a trained lawyer, of considerable experience in country practice—a practice which renders the members of the profession more acute than the practice of cities. In the country the controversies are about small matters relatively, but the clients are deeply interested, the neighborhood is enlisted on one side or the other, and the attendance at court of the friends of the parties is often large. The counsel is tried quite as rigorously and critically as is the case. Such was the condition of things previous to 1848. Robinson was not only a good English scholar, but he was devoted to the classics, and especially to the Greek classics and history. Afterwards he became a resident of Athens where he lived for several years. He was a good speaker in a high sense of the phrase. In the sessions of 1842 and 1843 the system of corporations was in controversy. The Democrats were in opposition generally. The Whig Party favored the system. In the session of 1842 or 1843 citizens of Nantucket presented a petition for an Act of Incorporation as a "Camel Company." The town had been the chief port in the world for the whale-fishery business. Its insular position rendered it necessary to obtain supplies from the mainland and to transport the products of the fishery to the mainland. The fact that there was a bar across the harbor, which made it impossible to bring in vessels of the size of those engaged in the fishery was fast depriving it of its supremacy. New London was already a rival.

The scheme for relief was to build what were called



"camels." They were vessels capable of receiving a whale-ship and floating it over the bar. They were to be made broad, of shallow draught, with air-tight compartments. These machines were to be taken outside the bar; the compartments were to be filled with water and the camels sunk. The whale ship was then to be floated over the camel and the water was then to be pumped out of the compartments when the camel would rise with the ship on its back and carry the whaler into the harbor.

The scheme seemed a wild one, but opinions were controlled by party feeling. The bill passed, the camels were built, and the scheme failed as a practical measure. Nantucket was doomed as a trading and commercial town. As a watering place it had a future. In one of the debates upon corporations Robinson took part, perhaps upon the Nantucket "camel" question, and made the best speech to which I have ever listened in defense of the system.

The corporation system has yielded larger returns to Massachusetts than she has received from any other feature of her domestic policy, excepting only her system of public instruction.

Robinson lived, probably, on the verge of insanity, to which end he came finally. When a member of the House, he was restless, almost constantly walking in the area or through the aisles, running his hands through his long black hair, engaged apparently in meditation upon topics outside of the business of the House.

He is immortalized in Lowell's "Biglow Papers,"

"John P Robinson, he  
Says he won't vote for Governor B."

The Governor B. was Governor George N. Briggs, with whom Robinson had a quarrel about the year 1845.

Henry Wilson, afterwards Senator and Vice-President of the United States, was a member of the House in 1842 and

1843. He had risen to notice in the campaign of 1840. He was engaged by the Whig Party as one of its speakers and announced as the "Natick Cobbler."

He had worked at the trade of a shoemaker, and as the shoe interest was already a large interest in the State, it was a matter of no slight importance to give distinction to a representative of the craft. Wilson's family were destitute of culture, and although he had had the advantage of training at an academy for a year, perhaps, his attainments were very limited. I recollect papers in his handwriting in which the rule requiring a sentence to commence with a capital letter was disregarded uniformly. His style of speaking was heavy and unattractive. This peculiarity remained to the end. In those days Wilson was known as an Anti-Slavery Whig. In some respects Wilson's political career was tortuous, but in all his windings he was true to the cause of human liberty.

Although I was acquainted with Wilson from 1842 to the time of his death, I could never so analyze the man as to understand the elements of the power which he possessed. It may have rested in the circumstance that he appeared to be important, if not essential, to every party with which he was identified. His acquaintance was extensive and it included classes of men with whom many persons in public life do not associate. He made the acquaintance of all the reporters and editors and publishers of papers wherever he went. He frequented saloons and restaurants to ascertain public sentiment. In political campaigns he was the prophet, foretelling results with unusual accuracy.

Benjamin F. Thomas of Worcester was a leading man in the Whig Party, a good speaker, saving only that he appeared to vociferate. He was afterwards a judge of the Supreme Court of the State and for a single term he was a member of Congress.

As a lawyer his rank was good, almost eminent, in the

State, but his career in Congress was a failure. He was a member of the Thirty-seventh Congress, and he failed to realize the issues and to comprehend the duties of a public man in an hour of peril. In 1862 he abandoned the Republican Party, and joined himself to a temporary organization in the State, called the People's Party.

The party disappeared upon its defeat in November, 1862, and Judge Thomas disappeared from politics.

Mr. Kinnicutt, the Speaker, in 1842, was a gentleman of agreeable manners, fair presence, and respectable, moderate abilities. He administered the office with entire fairness. His elevation to the post of Speaker, then thought to be one of great importance, may have been due to his residence at Worcester. In those days, as in these, Worcester was a center of political power and its leading men were able always to command consideration. When, in 1840, it was an urgency in party politics to defeat Governor Morton, John Davis, of Worcester, called "Honest John," was selected as the candidate, although he was then a member of the United State Senate.

In the sessions of 1843 and 1844, I originated three measures and introduced bills designed to give legal form to the measures.

1. A bill requiring cashiers of banks and treasurers of all other corporations to return to the assessors of each city and town the names of stockholders residing in each such city or town, the shares held by each and the par value of the shares. The bill was passed. The holders of stock who had theretofore escaped taxation were enraged, and a meeting to denounce the measure was held in Boston.

2. A bill to require the mortgagee to pay the tax on mortgaged real estate. The bill was then defeated, but recently the measure has become a law.

3. The reduction of the poll tax.

On each of the last two measures I made a speech which was reported in the *Boston Post*. Upon the revival of the question concerning the taxation of mortgaged real estate, my opinions were not as firmly in its favor as they had been in 1843, when I originated and advocated the measure.

The assessment of a poll-tax as a prerequisite to the exercise of the right to vote is a relic of the property qualification and it ought not any longer to find a place in the policy of free States. As persons without accumulated property enjoy the benefits of free schools, the use of roads and bridges, and the protection of the laws, there is a justification for the assessment of a capitation tax, but the right to vote should not be dependent upon its payment.

## XI

### THE ELECTION OF 1842, AND THE DORR REBELLION

**T**HE election of 1842 was contested by the Democratic Party and successfully, upon the charge that the Whig Administration had unwisely and illegally aided the "law and order party" in Rhode Island in the controversy with Thomas W. Dorr, the leader of the party engaged in an attempt to change the form of government in that State. At that time the people of Rhode Island were living under the charter granted by Charles II. Its provisions were illiberal in the opinion of the majority of the people of Rhode Island, but the majority of the voters under the Charter thought otherwise. Mr. Dorr represented the popular opinion, and Governor King represented the dominant class. Governor King was a Whig and, naturally the Whig Party of Massachusetts sympathized with him. Gen. H. A. S. Dearborn, who had been an officer in the War of 1812, was then Adjutant-General of Massachusetts. In his haste to aid Governor King, he loaned to him a quantity of muskets from the State Arsenal. This act caused great criticism and contributed to the overthrow of the Whig Party in 1842, if it did not in fact cause it. Dorr had organized a government, under a constitution which had been ratified by such of the people of Rhode Island as chose to vote upon it. The Dorr legislature assembled, a military force was organized, and the State seemed to be on the eve of a bloody contest.

Governor King appealed for aid to President Tyler. The

President recognized Governor King as the head of the lawful government of the State, and although the aid was not granted, the Dorr Rebellion came to an end. The courts followed the political department of the government, and the attempt of Dorr and his associates was a failure in fact and in law. The failure, was followed, however, by the adoption of a constitution from which the most objectionable features of the Charter were removed.

In 1842 Massachusetts was living under the majority system. The Abolitionists placed a candidate in nomination. As a consequence there was no election of Governor by the people. The Democrats succeeded in obtaining a majority of the Senators elected. The House was about equally divided between the Whigs and Democrats, and the balance of power was in the hands of four Abolitionists, who were led by one Lewis Williams of Easton. Williams was a sort of personage for ten or twelve days, when he disappeared from public view.

In the contest for Speaker the Democrats supported Seth J. Thomas, of Charlestown, and the Whigs nominated Thomas Kinnicutt, of Worcester, who had held the office of Speaker in 1842. The Abolitionists voted for Williams. The struggle continued for two days without a result. On the third day Mr. Kinnicutt withdrew his name, and his friends presented the name of Daniel P. King, of Danvers.

Mr. Thomas made a short speech in which he said that he was in the hands of his friends. The Democrats attempted to change front, and to secure the election of Williams. The attempt failed, and Mr. King was elected. Mr. King was a man of moderate abilities, but he had made himself acceptable to the voting element of the Anti-Slavery Party. His election as Speaker, was followed by his election to the Twenty-eighth Congress. The southern part of Essex County had been represented by Leverett Saltonstall, of Salem. He was the

candidate of the Whig Party in 1842, but the votes of the Anti-Slavery men prevented his election. Mr. Saltonstall was a man of superior abilities and a perfect gentleman in bearing and conduct. He had been a Federalist and my impressions were adverse to him. In 1844 he came to the Massachusetts House of Representatives. He was appointed Chairman of the Judiciary Committee of which I was a member. All my prejudices were removed, and I came to admire his qualities as a man, and his capacity as a legislator.

Upon the organization of the House of Representatives, in 1843, the two Houses in convention, proceeded to the election of a Governor, Lieutenant Governor, Council, and heads of the several administrative bureaus. Marcus Morton, of Taunton, was elected Governor, Dr. Childs of Pittsfield, (Henry H.) was chosen Lieutenant Governor, and of the subordinate officers all were Democrats.

The nomination of John A. Bolles, for the office of Secretary of the Commonwealth, gave rise to a singular episode in politics. John P. Bigelow, of Boston, had held that office for several years. He had performed the duties acceptably, and there was a difference of opinion in the Democratic Party as to the expediency of a change. The caucus decided to make a change. Upon the announcement of the nomination of Mr. Bolles, Nathaniel Wood, who had been elected a Senator in convention, from the county of Worcester, left the caucus and the next day he resigned his seat in the Senate. His peculiarities did not end with this act. In 1850 he was elected to the House for the year 1851, as a Coalition Democrat. He voted for Sumner, but he was greatly annoyed by the charge of the Whigs that there had been an unholy coalition between a portion of the Democratic Party and the Free-soilers. In replying to the allegation, he made the counter charge that there was a coalition between the Whigs and the "old hunker Democrats" as they were called. They were, in fact, the

Democrats who would not vote for Sumner. A member called upon Wood for the evidence. This question he had not anticipated, and after staggering for a reply, he said:—"I have seen them whispering together." As legal evidence, the answer was faulty, but in a moral point of view it was not without force.

Governor Morton was a man of solid qualities. He had been upon the bench of the Supreme Judicial Court of the State for many years and in the fellowship of such jurists as Chief Justice Shaw, Judges Wilde, Putnam, Hubbard, and others, and he had borne himself with credit and perhaps even with distinction. He was the favorite of the Democratic Party and for many years he had been its candidate for Governor, and always without opposition. His election in 1839 was due to the public dissatisfaction with the Temperance Act passed in 1838 and known as the Fifteen-Gallon Law. He became Governor in the year 1840, but as his Council and the two Houses were controlled by the Whig Party neither his friends nor his enemies had any means of testing his quality as a political administrator. In 1843, however, the circumstances were different. His political friends were in power in every branch of the government. Party expectations were not realized, and Governor Morton's administration was not popular with the party generally. Early in the session, Benjamin F. Hallett, a member of the Executive Council, became alienated, and the spirit of harmony was banished from that branch of the government.

As the election had been carried upon the Dorr Rebellion, it was thought expedient to recognize the event by a dinner in Faneuil Hall. Dorr was then an exile, and the guest of Henry Hubbard, Democratic Governor of New Hampshire. Dorr was invited to the dinner, but he did not attend. It was asserted that he was given to understand that Governor Morton would be placed in an unpleasant position if Dorr were to



come to Massachusetts from New Hampshire, and at the same time, a requisition should come from the Governor of Rhode Island for his delivery to answer in that State to an indictment for treason. The incident gave rise to a good deal of feeling, and finally, Governor Morton did not attend the banquet. Thus it happened that neither of the chiefs in whose honor the banquet was arranged, was in attendance on the occasion.

I was appointed Chairman of the Committee on Invitations. These were sent to leading Democrats in all parts of the country and especially were they sent to distinguished members of Congress. The answers contained only the most delicate and remote allusions to the object of the festival. The letters were turned over to the officers of the meeting. For myself, I retained only the envelope of the letter of Mr. Calhoun with his frank upon the right-hand corner. I had not previously seen a letter envelope.

Governor Morton's administration was a failure, and at the election in 1843 he was defeated by Governor Briggs. The State was a Whig State, and a Democratic administration for two successive years was an impossibility. My impressions of Governor Morton underwent several changes. Previous to his election in 1843 I had regarded him as one of the able men of the country. His lack of courage, and his apparent desertion of his friends in 1843 produced an unfavorable impression upon me both of his character and of his abilities. As to his character, my impressions remain. Of his abilities I can have no doubt.

With some exceptions the policy and measures of the Democratic Party in 1843 were crude and unwise. They demanded changes under the name of reforms. The chief measure was a bill to reduce the salaries of public officers, including the salaries of the governor, the lieutenant governor, and

the judges of all the courts. The Whigs resisted the passage of the bill, upon the ground of its injustice to the persons in office, and of its unconstitutionality in respect to the salaries of the judges of the Supreme Judicial Court.

The bill became a law, and upon the return of the Whigs to power in 1844, the salaries of the judges of the Supreme Judicial Court were restored, and they were reimbursed for the loss sustained by the act of 1843. At the session of 1844 I made an argument upon the constitutional question, but it was of no avail. The entire bill of 1843 was unwise, and it is probable that the provision relating to the judges of the Supreme Judicial Court was unconstitutional. As I have not read my own argument since 1844 I am not prepared to say that it is unsound.

By the election of 1843 Governor Morton was defeated. George N. Briggs who had been for many years a member of Congress from the Berkshire District, was elected Governor, and with him a majority of his political friends in the two Houses. Governor Briggs held the office until January 1851. He was a man of fair, natural abilities, with a taste for politics. He had risen from a low condition of life but he was entirely free from the vices of the world. As a rigid temperance man and opponent to slavery, the middle classes of the State became his supporters without argument. He held the office for seven years, but he was defeated by the coalition of 1850.

Among the leading members of the House in 1844, was Joseph Bell, then recently from Hanover, N. H. He was named second on the Judiciary Committee, and to him was committed the conduct of the bill to restore the judges' salaries. He was a man of massive frame and of great vigor of body. His voice was loud, but it lacked those elements that come from cultivation. He had accumulated consider-

able wealth in the country and he had come to Boston for ease and comfort in age. His career was brief as he lived only a few years thereafter.

Of the affirmative measures of the Legislature of 1844 the most important perhaps was the statute requiring the registration of births, marriages, and deaths. Previous to that time there were no authoritative records of births, marriages, or deaths. The books of town clerks, the records of clergymen, and the entries in family Bibles were the sources of information. The information was never complete, and often that obtained was inaccurate. The promoters of the measure were Dr. Edward Jarvis of Dorchester and Lemuel Shattuck of Concord. They were both enthusiastic upon the subject and when they had created in me an interest, they furnished me with books and documents including reports of the English and French systems. The petition or memorial was referred to the Judiciary Committee and it fell to me to prepare the bill. This I did with the aid, and largely under the direction, of Shattuck and Jarvis. Then for the first time I had practical use for the small stock of knowledge that I had acquired of the French language. Previous to my election to the Legislature I had purchased a series of books on the French language, known as "French Without a Teacher." My study of the language had been limited to fragments of time that I could command while engaged in the business of the store. Upon my election to the Legislature I made the acquaintance of Count La Porte who had been a professor of the French language at Cambridge. I took lessons from him during the sessions of 1842 and 1843.

In the year 1844 I received from the Democratic Party the nomination for a seat in Congress. It was a barren honor. The district was in the hands of the Whig Party by a respectable majority. In the canvass of 1842 the Whigs had nominated John P. Robinson. He was not an acceptable candidate,

and the candidate of the Abolitionists received a large vote, The Democratic candidate was Joseph W. Mansur of Lowell. In the first contest he was near an election by a majority. At the second trial his friends had high hopes of success. At the close of the contest it was found that he had lost votes. His friends charged that his loss was due to the secret opposition of Josiah G. Abbott, who was a rival to Mansur, in the city of Lowell. In 1844 Mansur retired from the field and Abbott became a candidate. Mansur's friends were opposed to the nomination of Abbott, and by their action the nomination came to me. The district was then hopeless. In 1842 the Dorr question was uppermost in the public mind. That had lost its power. In a Presidential contest Massachusetts was Whig by an immense majority. National questions were all-controlling. I was renominated for Congress in 1846 and 1848. I canvassed the district and made speeches in the principal places but as to success I had never any hope.

The 17th day of June, 1843, Mr. Webster delivered the address upon the completion of the Bunker Hill Monument. President Tyler and some members of his Cabinet were present. The concourse of people was so great that experts were justified in estimating the number at one hundred thousand. This was the third opportunity that I had had to hear Mr. Webster speak. The first was in the Senate in January, 1839. A few days later I was present in the gallery of the Supreme Court room, and heard the argument in the case of *Smith v. Richards*.

Mr. Webster appeared for Smith and Mr. Crittenden for Richards. The subject was the sale of a gold mine in which fraud was alleged by Smith. The judgment was for Richards, three judges dissenting. For the first time I heard the word "denizen," used by Mr. Crittenden.

The election of 1844 was disastrous to the Democratic Party of Massachusetts. George Bancroft was its candidate for

Governor. He was an enthusiastic leader, but not a popular candidate. I recall the circumstance that I met him during the canvass at the head of Hanover Street, Boston, when some news favorable to Polk had been received. He had a small cane in his hand which he whirled in the air, and shouted: "Glorious! Glorious!" until we were surrounded by a crowd of men and boys.

At the November election I was defeated by a majority of seventy-six, I think, in a vote of about four hundred. I had some political sins of my own that intensified the hostility of my Whig neighbors, and many Democrats voted the Whig ticket.

The act requiring the treasurers and cashiers of corporations to return the names of stockholders to the assessors of the cities and towns where the stockholders resided with the amount of stock held by each, could not be overlooked by those who had suffered. The recollection of my part in the business was still fresh in the minds of the victims. Next the scheme for the annexation of Texas was treated as a Democratic measure, and every Democrat suffered for the sin of the party. As to myself, I had spoken in the House against the scheme. I was a member of the Committee, of which Charles F. Adams was Chairman, that had made reports adverse to the measure. The circumstances, however, availed nothing. Mr. Clay's popularity was great, notwithstanding the indifference or concealed hostility of Mr. Webster. Indeed, Mr. Webster's popularity had suffered from his connection with John Tyler.

Mr. Polk had no strength in Massachusetts. He was the nominee of the Democratic Party, nothing more. Before the day of election came in Massachusetts the election of Polk was known and conceded. New York voted the Monday preceding the Monday of the election in Massachusetts, and the voting was not over until Wednesday night. There was a

mass meeting at Pepperell, Thursday afternoon, at which Benjamin F. Hallett and myself spoke. Mr. Hallett was very confident of Polk's election. I was in doubt.

That evening I spoke at Chelmsford, and upon my return to Groton, I found several Whigs at Hoar's tavern, who were congratulating themselves upon a Whig victory in New York. Their authority was the Boston *Atlas*, an authority not universally accepted at that time. As I passed through the bar-room, after leaving my horse at the stable, I was rallied, and the assertion was made with great confidence that Mr. Clay was elected. I could only say in reply that they had better wait until they had some other authority for the claim. I went to my house, however, with many doubts as to the success of Polk.

At that time there was no railway communication between Boston and Groton. The first intelligence from abroad came from Lowell. My friends there sent to me a copy of the *Vox Populi*, printed during the night, and which contained the truthful returns from New York. At that time the *Vox Populi* was not in very good repute, and I thought it unwise to quote it to anyone. I thrust it into my desk without mentioning its contents.

Upon the arrival of the stage from Boston, I received a bundle of papers from my old friend General Staples, which confirmed the news furnished by the *Vox Populi*. These papers I also thrust into my desk, and went to the post-office. The outer room was filled with Whigs—not one Democrat present. The Whigs were still reposing upon the news printed in the Boston *Atlas*, but my statement that I had information more recent and that Polk had carried New York disturbed their composure.

At length the postmaster, Caleb Butler, opened the slide door, and passed out a copy of the Boston *Courier*. The receiver opened it. There were no capitals, no signs of exulta-

tion, and without waiting for the reading of the text, the assembly accepted the fact that Clay was defeated.

The Whigs of Massachusetts and indeed of the whole country were deeply grieved by the defeat of Mr. Clay. In many instances his popularity had ripened into personal friendship. His defeat came to many families as a real loss. Among the disappointed Whigs who had met at the post-office that morning was a neighbor and friend of mine, Mr. Aaron Perkins. In his excitement he said with an oath, "Next Monday we will give you a whipping." His declaration was verified. Many Democrats whose names were never disclosed to me voted for the Whig candidate, Deacon William Livermore, and he was elected by a majority of more than seventy votes. The next year he was re-elected by a diminished majority.

In 1846 the Whig Party nominated a new candidate, Edwin Coburn, a young lawyer then in the office of George F. Farley, with whom Coburn had studied his profession. Coburn was a man of good parts intellectually, a fair debater, and an intimate friend of mine. The town was canvassed thoroughly. Two ballots were taken during the first day. I received one hundred and ninety-six votes, and Coburn received one hundred and ninety-six votes at each ballot, and there were four scattering votes. The meeting was adjourned to the succeeding day. That night there was a rally of the absentees. The Democrats sent to Lowell, Manchester, N. H., and Boston, there being an absentee at each of those places. Upon the first ballot the second day I received two hundred and eleven votes and Coburn two hundred and seven. Of scattering votes there were none. From that time forward the town was Democratic. In all the previous contests I had contended against a Whig majority. My success had been due to the friendship of a number of Whig families, to my strength among the young men, and to a more perfect

organization of the Democratic Party. The annexation of Texas, and the Mexican War, had alienated the support of some, and to this fact was due the closeness of the contest of 1846.



## XII

### THE LEGISLATURE OF 1847

**A**T the meeting of the Legislature of 1847, some new members appeared. Caleb Cushing came from Newburyport, and Fletcher Webster, and J. Lothrop Motley from Boston. The Democrats of Boston and vicinity were then engaged in raising and equipping a regiment for Mexico. Cushing was Colonel of the regiment and Edward Webster, a brother of Fletcher, was the Captain of one of the companies. On the first day of the session Cushing introduced an order to appropriate twenty thousand dollars to aid in equipping the regiment for service. The order was referred to a special committee of which Cushing was made chairman. I was put upon the committee and the majority were friends of the measure.

Upon the report a discussion sprang up which was partisan with a few exceptions. Conspicuous among the exceptions was Fletcher Webster. Webster supported the appropriation in a speech of signal ability. His drawback was the disposition to compare him with his father. Fletcher was aware of this, and I recollect his remarks upon the subject at an accidental meeting on Warren Bridge. Fletcher was rather undersize, and he spoke of that fact as a hindrance to success in life, in addition to the disposition to compare him with his father. In his speech he made a remark not unlike the style of his father. Addressing himself to his Whig friends he said that they would be required to explain their opposi-

tion to the measure, and added, "and explanations are always disagreeable." My acquaintance with Fletcher Webster, was the introduction to a limited acquaintance with his father, and it led to an act on the part of Mr. Webster which was of signal importance to me.

Mr. Cushing remained in the House until the loss of the appropriation, when he left for Washington. President Polk gave him a commission as a Brigadier-General, and he left for Mexico.

Motley was chairman of the Committee on Education, and as Chairman he reported a bill to divide a portion of the proceeds of the Maine lands, among the three colleges of the State. Theretofore they had been added to the Common School Fund. As a member of the committee, I opposed the measure, and the bill was lost. The subject is mentioned in Holmes' Life of Motley, and a letter of mine is printed therein. I had no idea at the time that Motley had any feeling on account of his defeat, but Mr. Hooper informed me that it led him to abandon politics. If so I may have been the unconscious cause of a success in literature which he might not have attained in public, political life.

At this session I inaugurated a movement for the reorganization of Harvard College. The contest was continued in 1848, '49 and '50. In 1851 I was elected Governor and the Legislature, under the lead of Caleb Cushing, passed a bill by which the overseers of the College were made elective by the Legislature. It was a compromise measure, and its immediate results were not favorable to the College. The lobby became influential in the selection of overseers and unemployed clergymen of various denominations were active in lobbying for themselves. After a few years' experience the election of overseers was transferred to the Alumni, with whom the power still remains. The bill which I introduced, the reports and arguments which I submitted to the House, aimed at the

reorganization of the corporation and the election of the corporators by the Legislature.

In the years 1849 and 1850 the town of Concord was represented by the Hon. Samuel Hoar, and he led in the defence of the College. He was no ordinary antagonist. First and last I have been brought into competition with many men of ability, and I have not often met a more able reasoner. He spoke without notes, his only aid being his pocket knife which he held in his right hand and dropped by regular processes into his left hand, where he changed the ends of the knife and then resumed the automatic process.

My own argument I have not read for many years, but it is not unlikely that it contains as much ingenuity as can be found in any argument that I have ever made. The movement attracted a good deal of interest in the State. The College was in control of the Unitarians exclusively, and it was far from prosperous. The final change of the Board of Overseers gave a popular character to the institution, and it was one of the elements of its recent prosperity. For the moment the managers of the College were very hostile to me, but in the course of ten years all feeling had disappeared, and I enjoyed the friendship of Presidents Sparks, Felton, and Walker.

The College conferred upon me the degree of LL.D. in 1851. That honor had no significance as it was given to every person who was elected Governor and that without regard to his learning, attainments, or services.\* Subsequently, however, I was elected a member of the American Academy of Arts and Sciences by the votes of those who were controlling the College. In 1861 I was invited to deliver the Phi Beta Kappa oration, and I was then made a member of the society. Since the opening of the war I have

\* I was elected a member of the American Academy on my birthday, 1857. J. Lothrop Motley and Charles Francis Adams were elected at the same time.

been at Cambridge on two or three occasions only, and my present acquaintance with the persons in power is very limited.

From 1844 to 1850 I received from Governor Briggs several appointments. In 1845 or '46 the Legislature passed an Act authorizing the appointment of railway commissioners. Governor Briggs sent me a commission, which I declined. The Board was never organized, and the act was soon repealed. I was also appointed a member of a commission on Boston Harbor. At that time the public were anxious about the fate of the harbor in consequence of the drainage into it by Charles River, and numerous minor channels. It was not then understood that all deposits by drainage could be removed by dredging. The members of the Commission were Judges Williams, Hopkinson, Cummins, the Hon. Chas. Hudson and myself. The three judges had then recently lost their offices by the abolition of the court of common pleas. Mr. Hudson had then recently left the United States House of Representatives, but whether voluntarily or upon compulsion I cannot say. He was a clergyman, a Universalist, but at an early age he had abandoned his profession for politics. After serving in the Massachusetts House, Senate and Council, he was elected to Congress from the Worcester district, for which he sat during four Congresses. He was a man of solid qualities without genius of any sort. He was distinguished in Congress as a Protectionist, and his speeches on the tariff question were widely circulated by the Whig Party. They were filled with statistics, and like all arguments based on statistics, they were subject to a good deal of criticism by the advocates of free trade.

The three judges were respectable, clear-headed gentlemen. Of Cummins the story is told that, when for the first time a plan of land was introduced in a real-estate case, he refused to consider the document, saying: "I will not allow a case to be won in my court by diagrams." Williams had been

chief justice of the common pleas court and he was estimated as the superior among his associates upon the bench. Judge Hopkinson was from Lowell, where he had been a favorite of the ruling class in that city. He was a man of moderate ability. The work of the commission continued through several months, and some of its recommendations were adopted by the Legislature.

As the charters of all the banks in the State were to expire in 1850 or 1851, in the latter year, I think, the Legislature authorized the appointment of a board of commissioners for the examination of the banks. The Governor and Council appointed Solomon Lincoln, of Hingham, Joseph S. Cabot of Salem, and myself.

Mr. Lincoln was a kind, capable man of considerable learning, especially in Old Colony history and genealogy. His first question to bank officers often related to them personally, and when he found a man who traced his line to the Old Colony, he pressed him with questions until his whole history was disclosed. Mr. Cabot sometimes anticipated Mr. Lincoln, by saying at once, when we entered a bank, "Is there anybody here from the Old Colony?"

Mr. Cabot was a bachelor of fifty, and his ways were often odd, and occasionally they were disagreeable. He had a custom of never locking his sleeping-room door. Of this he often boasted. When we were at the American House, Worcester, Mr. Cabot said upon his appearance in the morning: "A very queer thing happened to me last night. When I got up my clothes were missing. At last I opened the door, and there they were in the hall. I supposed that I had been robbed. But I am all right," taking his wallet from his pocket. I said: "Have you looked in your wallet?" He opened it to find that the money had disappeared. We ventured to suggest that for a bank commissioner, he had not shown a great amount of shrewdness.

In the years 1849 and 1850 the commission examined all the banks in the State. Only one was found insolvent, a bank at Pawtucket on the Rhode Island line. The cashier, named Tillinghast, had been persuaded by a man named Marchant, of Rhode Island, to loan money without the knowledge of the officers of the bank. The loan, at the time of the discovery, amounted to sixty thousand dollars.

Upon the examination it appeared that there was a slight surplus of funds over the amount required by the statement. We insisted upon another examination. The cashier then reduced the balance by the statement that certain notes sent forward for collection had been discounted. It was impossible, however, to make the two sides of the account equal each other. At the end of the second day the cashier confessed the crime, and transferred his private property to the bank. Marchant did nothing. He came to the Rhode Island edge of the bridge, where we had some consultations with him, but without any result advantageous to the bank.

In 1847 I was a member of a joint committee to investigate the subject of insanity in the State, and to visit asylums in other States, the object being the erection of a second hospital for the care and treatment of the insane. At that time the only asylum under the control of the State was that at Worcester. There was a second at Somerville for the treatment of private patients. This was under the control of the Massachusetts General Hospital. The hospital at Worcester was under the management of Dr. Woodward, and each year for many years the reports had set it forth as a well organized and well managed institution. At the beginning of our labors we visited the Worcester Hospital. I was then ignorant of the treatment of the insane, but I was shocked by the sight of women in the cells in the basement, who had no bedding but straw, and some of whom had no clothing whatever.

The committee visited the McLean Asylum at Somerville;

the Butler Hospital, Rhode Island; the Utica and Bloomingdale Asylums, New York; the Trenton Hospital, the Kirkbride Hospital, and the Philadelphia Alms House, and in none of these institutions did we find any person naked or confined in a cell. The furiously insane were dressed, the arms were tied so as to limit the use of the hands, and the hands were covered with padded mittens. The Worcester Hospital was the poorest institution of all. Our chairman, the Rev. Orin S. Fowler, afterwards a member of Congress, was very indignant, and his report to the Legislature aroused the State from its delusion in regard to the Worcester Hospital. We examined many sites for the contemplated new hospitals, but the Legislature postponed action.

During the year 1847 I was a member of a committee to examine and report upon the securities held by the State. These securities were chiefly the property of the Common School Fund, and they had been derived from the sales of public lands in Maine owned jointly with that State under the agreement made at the time of the separation. Among these securities was a mortgage upon the property of Nathaniel J. Wythe, at Fresh Pond. Mr. Wythe had been a trapper for John Jacob Astor, and he had published a pamphlet upon the region of the Rocky Mountains. Elisha H. Allen afterwards our Consul to Honolulu, and then Chief Justice of Hawaii, and more recently Minister from that country to the United States, was a member of the committee. Mr. Allen and myself were at Fresh Pond together and under the lead of Wythe we went to one of his large ice-houses. The month was August and the men were engaged in removing ice from the house for loading upon the railway cars. From the top of the house to the ground floor must have been sixty feet or more. The cakes of ice were sent down in a run, and by the side of the run there was a narrow foot track, over which the men passed. Mr. Wythe with a lantern led in going up the

track to the height where the men were at work. Allen followed and I was behind Allen. When we had ascended about one third of the way, the men above sent down a cake of ice that seemed at first view to threaten the passengers on the side track. Allen stepped back and fell outside of the track and disappeared in the darkness. The men were called and by the aid of lights Allen was found in a pit about ten or twelve feet in depth that had been made by removing ice. By the help of a ladder he was taken out, much frightened, but not injured seriously. Mr. Allen was the son of Sam. C. Allen of Northfield, formerly a member of Congress. Mr. Elisha H. Allen was elected to Congress in 1840 from the Bangor district, State of Maine. He went to Hawaii in 1849 and he returned in 1851 or 1852. Upon his return I had several interviews with him as he lived at the Adams House, Boston, for a time, where I was then living. From him I received the impression that he was authorized to say to the Secretary of State that the authorities of Hawaii were prepared to enter upon negotiations for the cession of the Island to the United States. I understood from Mr. Allen that Mr. Webster did not look with favor upon the scheme. In later years I renewed my acquaintance with Mr. Allen. He was a man of quick perceptions, of much general information, and as a debater in the Massachusetts House of Representatives his standing was always good. As to his integrity it was never brought into question.



## XIII

### LEGISLATIVE SESSION OF 1848 — FUNERAL OF JOHN QUINCY ADAMS

**T**HE chief incident of the Legislative session of 1848 was the funeral of John Quincy Adams. Mr. Adams died in February, 1848. There were then twenty-four States in the Union and the House of Representatives selected one member from each State to accompany the remains of Mr. Adams to Massachusetts. Of these members I recall Talmadge of New York; Newell \* of New Jersey; Kaufmann of Texas; Morse of Louisiana; Wentworth of Illinois; Bingham of Michigan; and Holmes of South Carolina. The Massachusetts Legislature appointed a committee of the same number to receive the Congressional Committee. Of that committee I was a member and George T. Bigelow was the chairman. Our first thought was of a hotel and the entertainment of the Committee.

The feeling in regard to temperance was active and we foresaw that the doings of the committee would be subject to criticism. Finally, Bigelow suggested that we should go to the Tremont House and say to the landlord that we wished him to provide suitable rooms and entertainment for the Congressional Committee. This we did, and nothing was said about wines. At the end we found that the bill was a large one, and that the item of wines was a very important item. It was paid by the Governor and Council, and as one member of the committee I was ignorant of the amount. The reporters made

\* Mr. Newell is the only member living, March, 1901.

vain attempts to ascertain the facts. A portion of our committee met the Congressional Committee at Springfield. Many additions had then been made to the twenty-four. At Worcester, and perhaps at other places, speeches were made to the Committee by the local authorities and speeches in answer were delivered by members of the Committee. Mr. Holmes of South Carolina, was one of the speakers. He was an enthusiastic man, and he was endowed with a form of popular eloquence quite well adapted to the occasion.

I was assigned to the charge of Mr. Wentworth of Illinois. His height was such that he was already known as "Long John." We sat together in the train for Quincy on the day of the funeral. He was a good natured man, whose greatness was not altogether in the size of his body. His talents were far above mediocrity, indeed, nature had endowed him with powers of a high order, as I had the opportunity to learn when we were associated in Congress.

Two banquets were given to the Committee, one by the State at the Tremont House, and one by the City of Boston at the Revere House. The notable event at the Revere House was the speech of Harrison Gray Otis. Mr. Otis was then about eighty years of age. He was a well preserved gentleman, and in his deportment, dress and speech he gave evidence of culture and refinement. He had been a Federalist and of course he had been a bitter opponent of Mr. Adams. He seized the occasion to make a defence of Federalism, and of the Hartford Convention. While Mr. Adams was President, he had written a pamphlet in vindication of a charge he had made, in conversation with Mr. Jefferson, that, during the War of 1812 the Federalists of New England, had contemplated a dissolution of the Union, and the establishment of a northern confederacy. This charge Mr. Otis denied and he then proceeded at length to vindicate the character of the old Federal Party. He was a gentleman of refinement of man-

ners, but as I sat near him at the Revere House dinner, I overheard enough of his private conversation with Holmes of South Carolina, to satisfy me that he had a relish for coarse remarks, if they had in them a flavor of wit or humor.

The old controversy between John Quincy Adams, and the Federalists of Boston, once saved me, and helped me to escape from a position in which I found myself by an indiscretion in debate. In 1843 the office of Attorney-General was abolished, by the active efforts of the Democrats aided by the passiveness of the Whigs. The Democrats thought the office unnecessary, the Whigs were content to have it abolished, that the party might get rid of the incumbent, James T. Austin. At a subsequent session of the Judiciary Committee, of which George Lunt was a member, he reported a bill for the establishment of the office. Mr. Lunt was a poet, a lawyer, and a politician, and without excellence in either walk. In public life he was destitute of the ability to adapt himself to his surroundings. In those days the farmers constituted a majority of the House. They were generally men of intelligence, and they held about the same relation to the business of the House, that juries hold to the business of the Courts. They listened to the arguments, reasoned upon the case, and not infrequently the decision was made by them. Occasionally they gave a verdict upon a party question, adverse to the arguments of the leaders of the party in power. In his opening argument, Mr. Lunt was unwise, to a degree unusual even for him.

The question he maintained was one which lawyers alone were competent to understand, and he also maintained that the majority of the House ought to accept their views. "The question" said he "is *sui generis*."

I was opposed to the bill. At that time Richard Fletcher, then recently a member of Congress, had been engaged in a controversy with the Boston *Atlas*, a leading organ of the

Whig Party. A question of veracity was raised and to the disadvantage of Fletcher. Thereupon he resigned his seat, in the House, and returned to Massachusetts.

Mr. Frank B. Crowninshield was opposed to the bill, and anxious to secure its defeat, but he was unwilling to take the responsibility of contributing openly to that result. Privately he informed me that the purpose was to make a place for Fletcher. In the course of my remarks, in reply to Lunt I said that if the object of the managers was to provide a place for a man who had fallen into discredit, in another branch of the public service, then as far as I knew, the bill was *sui generis*.

Several members, among them General William Schouler, disclaimed all knowledge of any arrangement such as I had referred to. These assertions of ignorance were not troublesome, but Otis P. Lord, of Salem, rose and after many personal compliments said "I call upon the member from Groton to give his authority for the suggestion he makes in regard to the purpose of this bill." At that moment my mind reverted to the controversy between Adams and the Federalists.

In 1825 or 1826 Mr. Jefferson wrote a letter that was printed in the *National Intelligencer*, in which he gave his version of statements made by Mr. Adams. Among others he said that Mr. Adams had told him that he had evidence of the purpose of the Federalists during the War of 1812 to secure a dissolution of the Union, and the organization of an eastern confederacy.

Mr. Adams wrote a letter in which he explained some of Mr. Jefferson's statements, but of this he took no notice. Its accuracy, therefore, was admitted. Thereupon the Federalists of Boston, wrote to President Adams, demanding his authority for the statement. That authority he refused to give. Alluding to the many names appended to the letter of the Federalists, he said: "No array of numbers or of talent shall induce me to make the disclosure sooner than my sense

of duty requires, and when that time arrives, no array of numbers or talent shall deter me from it." After some remarks intended to connect the Whig and Federal parties I repeated the conclusion of Mr. Adams' pamphlet and made my escape in the smoke. Crowninshield sat upon the dais in front of the speaker during the debate. I made no allusion to him, for I commanded my faculties sufficiently to enable me to realize that if he denied my allegations the denial would be fatal to my standing, and that he would be seriously injured if he accepted my statement. The event taught me a lesson, and thenceforward I have avoided all reference in debate to private conversations.

## XIV

### THE LEGISLATURE OF 1849

**I**N the year 1849, two men were elected to the Massachusetts House of Representatives who have had conspicuous careers in the State and nation,—General Nathaniel P. Banks and Henry L. Dawes. General Banks had genius for politics and the generalities of public affairs. As an orator he was peculiar and attractive to an unusual degree. For a long period his popularity was great in his town and district, and finally in the State. A long life was the possession of General Banks, and I have only to consider how its opportunities were treated, and its duties performed. The beginnings of his life were humble enough, but the beginnings of life, whether humble or otherwise, are of no considerable consequence to strong characters.

General Banks' public career began with his election to the Massachusetts House of Representatives, when he was far along in his thirty-third year. His eminence as a debater and his pre-eminence as a parliamentarian, were established without much delay, and in 1851 he was raised to the speaker's chair. In 1852, he was again elected speaker of the house, and in 1853, and without debate, he was chosen to preside over the Constitutional Convention. He was then elected to Congress, and thenceforward he was a conspicuous personality in the great events of the war; both on the civil and military side of affairs. He achieved distinction in the Thirty-third Congress, and after a long and bitter contest in the Thirty-fourth Congress, he was elected speaker of the House of Rep-

representatives. His associates in that House gave him rank next to Mr. Clay, and through tradition that rank is still accorded to him.

During his administration as Governor of the State, from 1858 to 1861, he made military preparations for that contest of arms, which even then was thought by some not to be improbable and by a few thought to be inevitable. It was during that period that he delivered the address at the dedication of the Museum of Comparative Zoology at Cambridge. The address met most fully the expectations of the authorities at Cambridge, and it gave General Banks standing as an orator when Massachusetts had orators—Everett, Choate, Phillips, Hillard,—and when Harrison Gray Otis and Webster had not been forgotten.

At the opening of the war Mr. Lincoln tendered to General Banks a commission of the first rank, and a command of corresponding importance. He had not received a military education, and he was without experience in military life. His selection was due to a general and well founded opinion that he possessed military qualities, courage and decision, and that he was inspired by a deep devotion to the Union. General Banks was a firm believer in the justice of our cause, and he was animated by an unbounded confidence in our success,—a confidence which was not impaired in the darkest days of the Civil War. After the passing of a third of a century, a review of the entire field on the Civil side does not reveal a character more worthy than General Banks of high military command. In all the vicissitudes of his military career, and success did not always wait upon his undertakings, he never lost the confidence of Mr. Lincoln, nor Mr. Stanton, who was the most exacting of men, whenever an officer failed in his duties.

General Banks' military career may be considered in three parts. As to the campaigns of 1861 and 1862, on the Poto-

mac, and in the valley of the Shenandoah, it is to be said that his fortunes were in the main the fortunes of McDowell, McClellan, and Pope, yet even in the presence of general disaster, he gained distinction by his courage, resolution, and equanimity of temper. The capture of Port Hudson, undertaken and accomplished under his command, opened the Mississippi River below Vicksburg to military operations and to business intercourse. The event was second only in importance to the surrender of Vicksburg.

The Red River campaign was an ill advised undertaking, for which General Banks was in no degree responsible. Indeed, he advised against the movement. This I say upon his specific statement made to me. The undertaking was a great error. There never was a day after April, 1861, when it was not apparent that the south-western portion of the union, beyond the Mississippi River, would yield whenever that river was opened to the Gulf, and the army of Lee had capitulated. Hence the unwisdom of the undertaking. It is sufficient to say that nothing occurred in that campaign which was discreditable to General Banks. The obstacles were too great to have been overcome, and nothing in the nature of success could have been attained by Sherman or Grant. I turn again to the aspect of General Banks' career on the civil side.

In knowledge of parliamentary law and in ability to administer that law it may be claimed justly that General Banks had no rival in his generation. As a speaker he approached the rank of an orator, if he did not attain to it. His presence was stately and attractive, his voice was agreeable, far reaching and commanding, and his control of an audience was absolute, for the time being. That his auditors may at times have differed from his conclusions but only when the speech was ended, and the spell was broken, is evidence of his power as a speaker.



That he came into public life as the associate and rival of Sumner, Wilson, and Burlingame, and that in his whole career as a public man he kept his equal place to the end, and that in Congress he suffered nothing when compared with the able men who occupied seats in the lower House between the year 1850 and the year 1870, give him rank as one of the foremost statesmen of his time. If it be said that his name is not identified with any important measure of the government the same may be said of Mr. Sumner, of Mr. Wilson, of Mr. Conkling, and others, whose speeches and opinions have had large influence upon the policy of the country. A great measure is the result of many causes and in its promulgation it may bear the name of a person whose contribution has been insignificant relatively.

General Banks had aptitude for public affairs—an aptitude which approached genius. His mind dwelt upon great projects, and never upon petty schemes, nor upon intrigues as a means of success. His warfare was a bold one, and in the open field. In politics he was deficient in organizing qualities, but he had unbounded confidence in his own ability and in the ability of his associates and friends to command and to retain popular support. As to himself, that confidence rested upon an adequate basis. In the last fifty years there has been no other man in Massachusetts who was as generously supported, and by people of all classes. For the masses, who saw him and who knew him, only as he appeared on the platform, there was an inspiration in his presence and in his speeches, and for his associates and friends there was a generous companionship which none could resist—which none wished to resist. In his private life there was no malice in his intercourse with men; in the strife of war there was no vindictiveness in spirit nor in the means of prosecuting war.

A patriotic man, who trusted the people, and a man whom the people trusted; a brave soldier, who retained the confi-

dence of his troops, and of his superiors in all the vicissitudes of war; a friend whose friendship was not changed nor tempered by the changing events of life. Such was General Banks to many and to myself, his companion, and often co-worker, and always friend through a lengthened half century.

Mr. Dawes was not a leader in the Massachusetts House of Representatives and no one could then have predicted his success in public life. Something of what the world calls fortune has attended him. He possessed the quality or faculty of industry, but his studies did not extend beyond the current demands of his situation. As a lawyer he was not distinguished. He had none of the qualities of an orator, indeed, it was not always a pleasure to listen to his speeches. His manners were not attractive, and of genial wit he was wholly innocent. He had a power of sarcasm, and in his speeches he presented himself in the phase of umpire often, although at times he appeared in the aspect of a contestant. Indeed, this was in his nature. He was a thorough partisan who seemed unwilling to own the fact. His friends could not claim for him any of the qualities for which successful men are commonly distinguished, and yet he has been one of the most successful men that the State has produced. Such success must rest on a substantial basis of merit.

For a single term, between 1846 and 1850 Benjamin R. Curtis was a member of the House. He had already acquired fame as a jurist. His speeches in the House were the speeches that he made to courts and juries. He was destitute of genius, and his speeches exhibited no variety of talent. They were adapted to the argument of questions of law before a court; hence he was not successful as a jury lawyer, and his speeches in the House were usually convincing, although they were never attractive. Judge Curtis' intellectual faculties matured early. Mr. Wilde, for many years the clerk of the court of Suffolk, expressed to me the opinion that Judge

Curtis' first argument was as good as his last argument. There can be no doubt, however, that his legal arguments were unrivalled in recent times. He was equipped with all the legal learning that could be required in any case. He had the capacity to see the points on which a case must turn, and he had the courage to pass over the immaterial facts, and points in which other men often lay stress to the injury of their arguments, and to the annoyance of the courts. In his arguments in the impeachment case of President Johnson, he furnished the only ground on which the Senate could stand in rendering a verdict of not guilty.

During his service in the House he introduced an extraordinary bill which received little or no support from the members. By that bill it was made a misdemeanor to flow the land of another for any purpose whatsoever, thus changing the ancient Mill Act of the State; provided, however, that it should not apply to any citizen of Massachusetts. It was said that Curtis had a client whose land had been flowed by a Rhode Island man, and not being willing to pursue him in the courts of the United States, he framed the bill in question. Of course the bill failed. Again in 1851 he gave an opinion that Sumner, Wilson, myself and perhaps some others, could be indicted for the coalition by which the Whig Party was driven from power in Massachusetts. The opinion was printed secretly and read in the Whig caucus, where it received so little support that it was suppressed. When the old parties had disappeared, I read a copy that had been preserved in the office of the *Boston Journal*.

Judge Curtis was a jurist, and that only. He had no literary taste in the true sense, although the statement has been made that he was a constant reader of novels. However that may have been, his speeches were seldom if ever adorned or burdened by illustrations or references outside of the books of the profession.

George T. Curtis a brother of Benjamin R. was a member of the House for several years, between 1840 and 1850. With the overthrow of the Whig Party in 1851, he disappeared from the politics of the State, and at about the same time he removed to New York. As a writer he is clear and methodical, but from choice or fortune many of his subjects have not been acceptable, and his treatment of his subjects has been counter usually to the general opinion of the country. As the son-in-law of Judge Story and the brother of Judge Curtis, there was a general expectation that his career would be distinguished. That expectation was not realized. His self-conceit was unbounded. That defect made him unpopular with his professional brethren, and at last it alienated his clients. Even Mr. Choate the gentlest of men, could not endure Mr. Curtis. Of him he said, "Some men we hate for cause, but George T. Curtis we hate peremptorily."

Charles P. Curtis was also a member of the House for many years. He was a more genial man than either the Judge or George T. The three constituted the fraternity known as *the Curtii*. Chief Justice Shaw, who had married a Curtis, was also included in the brotherhood.

## XV

### MASSACHUSETTS POLITICS AND MASSACHUSETTS POLITICIANS

1850-51 AND 1852

**T**HE defeat of General Cass in 1848 changed the policy of the leaders of the Democratic Party in Massachusetts. These leaders were David Henshaw, Charles G. Greene, and as an assistant Benjamin F. Hallett. The first two had controlled the patronage of the general government very largely during the administrations of Jackson, Van Buren and Polk. They looked to the election of General Cass as a continuation of that policy. These leaders considered the control of Massachusetts as hopeless, and not unlikely they considered the national patronage as more valuable than the offices of the State. Hence they were ready to endorse whatever the Washington authorities demanded. Consequently our platforms tended to alienate voters rather than to attract them. This policy was very disagreeable to the younger members of the party, but they were unable to resist it. The *Boston Post*, owned by Colonel Greene, was the leading Democratic paper in the State. Many of the country papers followed its lead. The *Worcester Palladium* was an exception, but its influence was limited.

Greene and Hallett attributed the defeat of General Cass to the defection of the South and for the time they were disposed to sanction or to permit a policy of retaliation. Consequently the State Convention of 1849 was disposed to utter the sentiments of the party in regard to slavery. For many

years Hallett had been the chairman of the Committee on Resolutions. He was designated for that position in 1849. The Free-soil Party had already become a power in the State. It was led by men who had been prominent in the Whig Party in its last days. Hallett reported a resolution in which was this expression: "We are opposed to slavery throughout all God's heritage." When the Democratic Party regained power in 1853 this declaration threatened to impede Hallett in his plans for office and influence. Pierce made allowances for the circumstances and rewarded Hallett with the office of district attorney. The resolutions, however, tended to conciliate the anti-slavery element of the State and in many towns and in some of the counties the Democrats and Free-soilers coalesced and elected a formidable minority of the Legislature. The result of the coalition demonstrated the possibility of a combination which could control the State. The Convention gave me the nomination, and without any serious opposition. Stephen C. Phillips of Salem, was the candidate of the Free-soil Party. Together we had a majority of the popular vote, and Governor Briggs was elected Governor by the Legislature. The plurality rule had not then been adopted.

In 1850 each of the three parties nominated the same candidates and the coalition in the towns, cities and counties was much more complete. The victory was decisive. When the Legislature assembled, Henry Wilson, Free-soiler, was chosen president of the Senate and General Banks, Democrat, was chosen speaker of the House. The candidates of the Democratic Party were elected to the office of Governor and Lieutenant Governor. The council was divided between the parties. The selection of a candidate for the Senate was left for the Free-soil Party. The choice fell upon Mr. Sumner, although there was a large public sentiment, especially in the Democratic Party, in favor of Mr. Phillips. Such was my own

opinion at the time, but the result showed the wisdom or good fortune of the selection that was made. Mr. Phillips was a man of education, a merchant by profession, and a gentleman who enjoyed the confidence of the public. He was an Anti-Slavery man upon principle, but his intellectual movements were slow, and his power as a forensic speaker was moderate only.

In January, 1851, when these events were occurring, the prospects of the National Democratic Party had improved. The Henshaw wing of the party in Massachusetts were anticipating a success in 1852. Mr. Webster had made his famous and fatal speech of the 7th of March, 1850. President Taylor had died, and Mr. Fillmore was President. He had reorganized the Cabinet and endorsed the Compromise Measures, and finally the Whig Party was divided, hopelessly. In this condition of affairs, Greene and Hallett entered upon a vigorous opposition to the election of Sumner. The *Boston Post* called upon the Democratic members of the House to oppose his election. About twenty-eight members known as "old hunkers" followed the lead of the *Post*. After a long contest Mr. Sumner was elected by a single vote. As far as I know, Mr. Sumner was not a party to any arrangement as to a division of the offices, and I am sure that I was never consulted upon the subject. As far as arrangements were made, they were made by members of the Legislature. The members had been elected by a coalition among the people and they executed the will of the people. The vacant places were filled by representative men from each of the parties. While the struggle over the election of Senator was going on, the Legislature proceeded to elect a Senator for the term that was to expire the 4th of March, 1851. It was the seat that Mr. Webster had vacated to take the office of Secretary of State under Mr. Fillmore. Governor Briggs had appointed Robert C. Winthrop to the vacancy.

The Legislature elected Robert Rantoul, Jr., to the vacancy. Mr. Rantoul was then in the West, and his address was not known to any one. Mr. Ezra Lincoln, a friend to Mr. Winthrop, came to me and said that Mr. Winthrop wished to have Mr. Rantoul's credentials sent to him, as he should feel unpleasant if they were sent to any one else. Accordingly they were so sent. In a few days Mr. Lincoln called and said that Mr. Winthrop wished to know whether he should present the credentials at once, or hold them until Mr. Rantoul appeared. I said in reply that I was the agent of the Legislature for the transmission of the certificate, and that I did not feel at liberty to give instructions. Thereupon Mr. Winthrop presented the credentials of Mr. Rantoul, and retired from the Senate. This act was followed by attacks upon me, by Senators and by newspapers, the charge being that I had driven Mr. Winthrop from the Senate and at a time when an important question relating to the tariff was pending. Neither Mr. Winthrop nor any of his friends made any explanation. Mr. Lincoln came to me and expressed his regrets that the attacks had been made, and he volunteered to use his influence with the *Daily Advertiser*, and induce it to suspend its attacks. This he did, I presume, as that paper made no further allusion to the subject. As for myself, I remained silent, following a rule that I had formed early in life, to avoid public controversy concerning my own acts. This rule, however, was not an inflexible one.

Mr. Winthrop was then a candidate for the Senate against Mr. Sumner. He was sensitive, no doubt, and he may have felt that it was his duty to present Mr. Rantoul's credentials without delay. That was the proper course, probably, and the question whether his term in the Senate was continued a few days was of no public or personal consequence whatsoever. Up to that point Mr. Winthrop's career had been one of uninterrupted success. He was the favorite of Boston,



and he belonged to an old and venerated family. His talents were of a high order, his education the best that the times afforded, his character without a blemish, and there was no reason arising from personal conditions why he should not have become the representative man of the State. With the event mentioned, his public life ended. Mr. Sumner was elected to the Senate. The next year the Whig Party nominated Mr. Winthrop and I was brought into direct competition with him. Again he failed.

When, in 1855, the Republican Party was organized, a committee waited upon Mr. Winthrop, and invited him to join the movement. His public record was satisfactory upon the slavery question, that is, it was better than that of many others who became Republicans. He declined to take a position, and gave as a reason that he was unwilling to act with the men who were leading the movement. He named Sumner, and Wilson. If his decision had been otherwise, it is quite doubtful if his nerve would have been equal to the contests through which the Republican Party was destined to pass. Mr. Winthrop had in him nothing of the revolutionary spirit. In England, in the times of Cromwell he would have followed the fortunes of the Stuarts, and it is difficult to imagine him as the associate of Samuel Adams, John Adams, and Thomas Jefferson, in Revolutionary days.

Mr. Rantoul appeared in the Senate after a few days, and his term lasted about twenty days, giving him an opportunity to make one speech. He was afterwards elected to the House of Representatives from the Essex District, and died while a member at the age of forty-seven years. His death was a serious loss to the anti-slavery Democrats of Massachusetts and the country. He was one of the three distinguished men that the county of Essex has produced in his century: Choate, Cushing and Rantoul. In oratorical power he could not be compared with Choate. In learning he was of the three the

least well equipped. In logic he was superior to Cushing, and he was more direct, and more easily comprehended than either Cushing or Choate. He had not much imagination, and his illustrations were simple and rather commonplace. As a debater he has had but few equals in our State. He was a radical, a reformer by nature. He was opposed to capital punishment, an advocate of temperance, of prison reform, and a zealous free trader. He made war upon the Fugitive Slave Law of 1850 contending that the Constitution imposed upon the States the duty of returning fugitives from labor. This theory seemed to me at the time, as the result of a violent construction of the Constitution, and so it seems to me now. Nevertheless it satisfied many who wished to oppose the Fugitive Slave Law, and sustain the Constitution at the same time.

During the Senatorial contest I was urged by the supporters of Sumner to aid his election, and by the "hunker" wing of the Democratic Party—I was urged to bring the influence of the administration to bear against Mr. Sumner. To all I made the same reply. I said: "I am not pledged to elect Mr. Sumner, I am not pledged to defeat him. The subject is in the control of the Legislature." I did, however, delay making removals and appointments and upon the ground that the election or defeat of Mr. Sumner would affect the appointments to office in the State.

Mr. Cushing had a violent prejudice against shoemakers. Under the coalition, Wilson became president of the Senate, Amasa Walker, Secretary of the Commonwealth, John B. Alley, a Senator, and member of the Council, all shoemakers, or interested in the shoe and leather trade. In addition to these there were many persons of prominence and influence in the party who were in the same business. The "shoe towns" generally supported the Free-soil Party. One morning I received a call from Mr. Cushing, before I had taken my breakfast. Evidently he had had a conference with

the leading "hunkers" who had deputed him to state their case to me. After considerable conversation, which perhaps was not satisfactory to Mr. Cushing, he put this question to me, and with great emphasis: "What I wish to know, Governor, is whether this State is to be 'shoemakerized' or not?" With a laugh I said, "General, I cannot tell, whether it is to be 'shoemakerized' or not." Upon this the general left. When he had had interviews with Greene and Hallett, he became anxious for Sumner's defeat; when he was with the coalitionists he would become, in a measure, reconciled to his election. The truth was, Cushing was destitute of convictions. By his residence in the East he had lost faith in our religion, in our civilization, and, in a degree, in our political system. However, he had no stronger faith in any other system. His purposes were not bad, and his disposition to aid others was a charming feature of his character. He would oblige an associate whenever he could do so. As a legislator he would perfect bills that he did not approve, and his stores of knowledge were at the service of any one who chose to make requests of him. Indeed he often volunteered information and suggestions. His reading was so vast and his experience so great, that his professional arguments were often over-loaded. As a jurist his influence with courts was limited. He did not aid the judicial mind. It was seldom necessary for the court to either accept or answer his arguments. On one occasion, he commenced an argument to the Supreme Court of Massachusetts with the obscure philosophical observation: "An impossibility is the greatest possible fact."

General Cushing was learned in many ways, but his faculties were not practical, and he was too much inclined to adhere to the existing powers, and consequently he was ready to change whenever a new party or a new set of men attained authority. As an official, he would obey instructions, and

as an assistant in legal, historical, or diplomatic researches, he had no rival. He attained to high positions, and yet he was never fully trusted by any administration or party. His personal habits were peculiar. In later years, his economy degenerated into parsimony. This may have been due in part to his lack of financial skill. First and last he was led into many unprofitable undertakings, and as a result, his patrimony, which was something, and his professional earnings which were considerable, were consumed. He was in debt usually, and he limited his expenses that he might meet his liabilities. He was eccentric. I have met him at evening entertainments arrayed in a dress suit with a bright red ribbon for a necktie.

General Cushing had great qualities, but he was not a great man. He had immense capacity that he could use in aid of others, but he lacked ability to mark out a course for himself, or he lacked tenacity or purpose in pursuing it. His ambition had no limits, and he would swerve from his personal obligations in the pursuit of place. In my administration he was made a judge of the Supreme Court of the State, and upon an understanding that he would retain the place. During the few months that he was upon the bench, he gave promise of success, but upon the election of President Pierce, he could not resist the offer of a seat in his Cabinet. As Attorney-General he did not add materially to his reputation, but his opinions are distinguished for research and for learning. The nomination of Pierce was promoted by the officers who had served in Mexico. Previous to the Democratic Convention of 1852, Gideon J. Pillow came to Boston, and he and General Cushing visited Pierce in New Hampshire. They also called upon me and laid open a scheme in which they invited me to take a part. It was in fact a project for an organization inside the Democratic Party, by which the action of the party should be controlled. First, a central organiza-

tion composed of a few men self-constituted; next a small number of assistants in each State who were to organize through confidential agents in the counties, cities and large towns. All these agencies through newspapers and by other expedient means would be able, it was thought, to control the party nominations, and the party policy. I had then declined a renomination to the office of Governor, and I was able to say with truth, that I intended to retire from active participation in politics. I declined to consider the subject further. Whether or not the scheme was matured, I have no knowledge.

That campaign and his transfer to Pierce's Cabinet led Cushing to adopt the views of southern men upon the slavery question, and his unwise speeches and letters interrupted his success, finally, and at a moment when success was most important to him. In the autumn or early in December, 1860, he made a succession of speeches at Newburyport which were calculated to promote the views of the Secessionists. At about the same time he wrote a letter which was read before the Republican Senatorial Caucus, when his name was before the Senate for confirmation as Chief Justice of the United States. That letter compelled President Grant to withdraw the nomination. At a period during the war General Cushing was disposed to enter the army, and there was a movement in favor of his appointment as Brigadier-General. Andrew, Sumner, and some others, appeared in opposition, and the appointment was not made.

While I held the office of Secretary of the Treasury, General Cushing gave to a friend of mine, and to myself, an invitation to drive out to his farm, the Van Ness place, about six miles from Washington, on the Virginia heights, and take tea with him. After business we drove to his farm. I took a seat with Cushing in his buggy-wagon, and my friend followed in another vehicle. As we were passing through

Georgetown, we stopped at a shop where Cushing obtained a loaf of bread. Upon reaching his place we were taken over the land. Its quality was inferior and it showed the neglect of former owners, and there were indications that the present owner had done little or nothing for its improvement. The foreman was a Virginian, with but little knowledge of farming. The house-keeping was crude. The table was a coarse one. There was neither tablecloth nor napkins. The repast consisted of tea, the bread purchased on the way, soft butter, cold corned beef, and blackberries. When we entered the room Mr. Cushing went to a bureau, and took from a drawer a package which contained steel knives and forks, such as I had been accustomed to sell when a boy in a country store. From the appearance the cutlery had never been used, but its antiquity was marked by spots of rust.

This incident shows the democratic side of Mr. Cushing's character. He had also an aristocratic side. During General Grant's administration, a Mr. Kennedy, who had been a merchant at Troy, New York, came to Washington and distinguished himself by his somewhat ostentatious entertainments to diplomats and other notable persons. This proceeding annoyed Mr. Cushing, and he gave voice to his feelings in this manner:—"Mr. Kennedy, an ironmonger, comes here from Troy and sets himself up as a personage. He is not a personage at all, sir: not at all, sir."

When I became Governor in January, 1851, there were a large number of offices at the disposal of the Governor and Council. Of these there were sheriffs, district attorneys, registers of probate, clerks of courts, and registers of deeds. There were also individual places that were subject to executive control. As a general fact, and I do not recall an exception, all the offices were filled by Whigs. We entered upon a policy of removing the incumbents and appointing members of the Democratic and Free-soil parties.

I made one notable exception. John H. Clifford was Attorney-General. I retained him while I held the office of Governor, and he became my successor. A part of his capital was in the circumstance that I had shown confidence in him. He was a good officer and an upright man, but he lacked the quality which enables a man to reach conclusions. This peculiarity made him useful to me. He would investigate a subject, give me the authorities, and precedents, and leave the conclusions to me. Next, there was no one in the administration party whom I wished to appoint. Mr. Hallett was the candidate most generally supported. He was full of prejudices and he was not well instructed as a lawyer. In these respects Clifford was his opposite. I chose, therefore, to retain Clifford and submit to the criticism of my party supporters.

Among the persons removed was Mr. Fiske, register of probate for the county of Middlesex. In 1854 the citizens of Fitchburg and the adjoining towns petitioned the Legislature for an act authorizing a new county to be formed of towns from the counties of Middlesex and Worcester. Mr. Choate appeared for the petitioners. Emory Washburn appeared for the county of Worcester and I was retained for the county of Middlesex. One point in our defence was to show that the Middlesex towns were not subject to any inconvenience. In the list of witnesses furnished by the county commissioners was the name of Mr. Fiske. When I read his name I had a feeling that he might give me some trouble, as I knew that he was very bitter in his feelings. When he came upon the stand I approached him gently. After the customary questions, I said:—"Mr. Fiske, have you held office in the county of Middlesex?" "Yes, sir. I was register of probate from 1823 to 1851, when I was removed by Governor Boutwell,—the meanest act but one, that I ever knew." Being so far in, and subject to considerable laughter

from the audience, I thought it safe to go farther, and I said:—"Will you be kind enough to mention the meaner act that you have in mind?" "That I was not reappointed by Governor Clifford when he had the power." Having thus unburdened his mind, the ex-register gave very satisfactory testimony.

One of the important events that occurred during my administration was the ceremony in honor of the opening of railway communication with Canada. Distinguished persons were present. President Fillmore; Mr. Webster, Mr. Stuart and Mr. Conrad of his Cabinet; Lord Elgin, Governor-General of Canada; Sir Francis Hincks, Attorney-General of Canada, and afterwards Governor-General of Jamaica; Joseph Howe, Provincial Secretary of Nova Scotia; the Governors of several New England States, and others whose names I do not recall. The time was September, 1851. Mr. Webster arrived in Boston a few days in advance of the President and took rooms at the Revere House. I called to see him. In the course of the interview he said that whenever the State appeared he would be ready to take part if invited to do so, but as to the city he should have nothing to do with it. This resolution was due to the circumstance that the city government in the preceding year had refused the use of Faneuil Hall that he might speak in explanation and vindication of his speech of the 7th of March, 1850. John P. Bigelow was Mayor of the city in 1850, and he was also Mayor in 1851. Mr. Webster also said that when the State authorities made their formal call upon the President, he should be glad to introduce the members of the government. Upon the arrival of the President, the officers of the State government, to the number of about twenty, called at the Revere House, where we were received by J. Thomas Stevenson, a personal and political friend of Mr. Webster. He informed Mr. Webster of our presence, and



Mr. Webster soon appeared. He was dressed in what was known as his court dress. A blue coat with bright buttons, buff vest, black trousers, and patent leather shoes. His white cravat was high and thick, over which was turned a wide collar. After the gentlemen had been presented, he took me by the arm and we proceeded to the reception room of the President. At the moment of our arrival Mayor Bigelow was presenting the members of the city government. At once Mr. Webster became excited, and advancing to the President, he took possession of the ground, treating the Mayor as though he were a dog under his feet. He introduced us in a loud voice, and at the end he seemed to regret that the State government was not a more numerous body.

The day following had been designated for the public reception of the President and the members of his Cabinet in the Hall of the House of Representatives. It followed that it was my official duty to deliver an address of welcome. I prepared my address in which I made an allusion to the members of the Cabinet from other States, but strange, as it now appears, I made no allusion to Mr. Webster. I gave the address to the newspapers and it was not until eleven o'clock that I awoke to the fact of my neglect. I prepared a paragraph and sent it to the papers in season for the afternoon edition. Mr. Webster sat on my left. The President and the other members of the Cabinet were on my right. The President arose when I did and remained standing. When I alluded to Stuart and Conrad they gave no indication of their presence, but when I referred to Mr. Webster he rose at once and the Hall resounded with the cheers of the audience. Speeches in reply were made by the President, by Mr. Webster, Mr. Stuart, and Mr. Conrad.

At that time Mr. Winthrop was the Whig candidate for Governor. He was present in the audience. In the course of

Mr. Webster's speech, he gave my administration an endorsement in these words:—"I wish in the first place to say that from the bottom of my heart I wish entire success to your administration of the affairs of this State. Into whosoever hands these affairs may fall, if they are fairly and impartially administered, those hands shall have my hand in their support, and maintenance." These words were received by the audience and by the people of the State as a more full endorsement of my administration than the printed text justified. They gave Mr. Winthrop and his friends much uneasiness and it is quite likely that they contributed to Mr. Winthrop's defeat and to my re-election. In the course of his speech Mr. Webster used these words speaking of the people of Massachusetts: "And yet all are full of happiness, and all are, as we say in the country, well-to-do in the world and enjoying neighbor's fare." This phrase puzzled me, but at length I reached the conclusion, that the people were living so well that they could invite a neighbor who called without notice to take a seat at table without making any change. In other words, that the daily fare of the people was good enough for the neighbors.

In the autumn of 1851 a meeting was called in aid of Smith O'Brien and his associates, who then were in banishment at Van Diemen's Land. Of the project for the meeting I knew nothing until I received a call from a committee of Irishmen asking me to preside. I saw no reason for declining, and I therefore accepted the invitation, and without any thought of its significance in politics. It was said afterwards that the meeting had been promoted by the friends of Mr. Winthrop, with the expectation that he would be invited to preside. Upon the vote in committee, the invitation came to me, by a majority of one vote only. The meeting was a great success, and probably it gave me some votes among the Irish population.

## XVI

### ACTON MONUMENT

**W**HILE I held the office of Governor, two memorial events occurred, of some importance. The first was the erection and dedication of a monument in the town of Acton, to the memory of Captain Isaac Davis, and two others, who were killed the 19th of April, 1775, at the Old North Bridge in Concord. A feud had existed for many years between the towns of Concord and Acton each claiming the honors of the battlefield on that date. Of Concord it was alleged that not a drop of blood was lost on the occasion. Recently, however, it is claimed that one man was wounded. As to Acton there was no doubt that Captain Davis with his company was assigned to the right of the line, and to the head of the advancing column, although he was not by seniority entitled to that place. Davis and two of his company were killed by the first fire of the enemy. In 1836 Concord had erected a monument which Emerson has immortalized in his dedication hymn. James T. Woodbury, a brother of Judge Levi Woodbury, was an orthodox minister settled in Acton. He was interested in politics, and in the year 1851 he was a member of the House of Representatives, where he championed the cause of Acton. He asked for an appropriation of one thousand dollars to enable the town to erect a suitable monument. He adorned his speech and gave effect to his oratory by the introduction of the shoe-buckles which Davis wore, and the powder horn which another of the victims carried on the day of the fight. The appropria-

tion was granted. The preceding year the town of Concord had celebrated the seventy-fifth anniversary of the battle. Robert Rantoul, Jr., delivered the oration. The town of Acton was represented, but the president of the day, the Hon. E. R. Hoar, chose, as it was said, to avoid calling upon Parson Woodbury, as he was then designated. A Mr. Hayward, a man of some note, but not gifted in speech, was invited to respond to the toast to Acton. That he did in this manner: "Concord Fight. Concord furnished the ground, and Acton the men." This sally of history and sarcasm was attributed to Parson Woodbury.

The Governor was made a member of the committee to erect the monument. Our first real difficulty was upon the inscription. It was claimed that Davis had said as he took his place at the head of the line "I haven't a man who is afraid to go." This indicated that cowardice had been manifested in some quarter. Woodbury insisted that this expression should be included in the inscription. I was opposed to its use on account of the implication it contained, and also for the reason that it was no easy matter to incorporate it in a sentence that would be tolerable upon granite. Mr. Woodbury wrote two inscriptions. General Cushing tried his hand. I prepared one or two. Finally Woodbury triumphed, and the monument bears the words attributed to Davis. I was invited to deliver the address at the dedication, October 29, 1851, and the Rev. John Pierpont was invited to deliver the poem. The exercises were in a large tent capable of seating a thousand persons at dinner. The day was dull but the attendance was large. The soldiers were on duty at an early hour, and they were ready for dinner when they entered the tent at about eleven o'clock. The tables were spread and the soldiers and guests took their seats at the tables, but under an injunction that the repast would not begin until the address and poem had been delivered. Fortunately the address came

first. The delivery occupied an hour or more. Mr. Pierpont commenced reading his poem, but before he had made any considerable progress, a slight clicking of knives was heard from the extreme portion of the tent. Mr. Pierpont was an excitable man. He had a reputation as a preacher, lecturer and poet. It was apparent from his flushed face that his pride was wounded. I expected that Mr. Woodbury, who was president of the day, would rise and ask the guests to abstain from eating until Mr. Pierpont had finished reading his poem. The parson gave no sign, however. The disturbance increased, and finally, Mr. Pierpont, with face flushed to purple, threw his manuscript under the box from which he was reading, and sat down. I then expected that the president would demand order. On the contrary, he stuck his hands straight into the air, and said: "Let us ask a blessing." This he did with singular brevity, and sitting down he helped himself from a plate of chicken that stood before him, and at the same time turning to Mr. Pierpont he said: "They listened very well, 'till you got to Greece. They didn't care anything about Greece."

In the preparation of my address I found from the records that the town of Acton had as early as the year 1774 declared, by resolution in town meeting, in favor of an American Republic, adding: "This is the only form of government we wish to see established." Upon my own investigation and upon the opinion of Mr. Webster, whom I consulted, I ventured to say that this was the earliest declaration in favor of a republic that was officially made in the American colonies.

My address ran as follows:

#### ADDRESS ON THE ACTON MONUMENT

The events of the American Revolution can never fail to interest Americans. This assemblage, men of Middlesex, is an assurance that you cherish the Revolutionary character of

your county, and that you will be true to the obligations and duties which it imposes.

The event we commemorate is not of local interest only. It has, however, little value on account of the number of men who fought or who fell; but it lives as the opening scene of a great revolution based on principle, and destined to change the character of human governments and the condition of the human race. The 19th of April, 1775, is not immortal because men fell in battle, but because they fell choosing death rather than servitude. The mere soldier who fights without a cause is unworthy our respect, but he who falls in defence of sound principles or valued rights deserves a nation's gratitude. Hence the battlefields of the Revolution shall gain new lustre, while Austerlitz and Waterloo shall be dimmed by the lapse of ages. Each nation cherishes and recurs to the leading events in its history. Time increases the importance of some of them and diminishes the magnitude of others. Many of them are eras in the history of countries and the world. Such are the lives of great men—philosophers, poets, orators, and statesmen. Such are battles and conquests, the foundation of new empires and the fall of old ones, changes in governments, and the administrations of renowned monarchs. Such were the conquest of Greece, the division of the Macedonian empire, the rise and fall of Rome, the discovery and settlement of this continent, the English commonwealth, the accession of William and Mary to the British throne, the American Revolution, and, finally, the wars, empire, and overthrow of Napoleon. A knowledge of these events is not only valuable in itself, but it enables us to penetrate the darkness which usually obscures the daily life and character of a people. A true view of the life of Socrates gives us an accurate idea of Athens and the Athenian people. The protectorate of Cromwell, the great event in all English history, presents a view of the British nation while passing from an absolute government

to a limited monarchy, slowly but certainly tending to republicanism.

The American Revolution was a clear indication in itself of what the colonies had been, and what the republic was destined to be. Had the Revolution been delayed, no history, however minute, could have given to the world as accurate knowledge of the colonists from 1770 to 1780 as it now possesses. It was the full development of all their history; it was the concise, vigorous, intelligible introduction to their future. It was a great illustration of pre-existing American character. Neither religious nor political fanaticism was an element of the American Revolution. It was altogether defensive—defensive in its assertion of principles—defensive in its warlike operations.

It is true that the Revolution was an important step towards freedom and equality, but the Revolutionists did not primarily contemplate the destruction or abandonment of the principles of the British government, but rather their preservation and perpetuity; and this in a great degree they accomplished. The two governments are dissimilar in many respects, but the principles which lie at the foundation of the one led to the formation of the other.

The Revolution was conservative. There was always a strong desire in the American mind to preserve, perpetuate, and improve existing institutions. Our fathers were not the enemies of government. They were ready at all times to sustain a government founded upon and recognizing the principles of equality and justice. Nor did they imagine that society could exist without the agency of a government in which force should be an element. In the early part of the struggle, while they denounced the policy of the British Ministry, they gave to the principles of the British system an unequivocal support. Many looked only to a reproduction of the home

government upon these shores, but that was as impossible as the continuance of English authority.

It is vain to search for the particular cause, or even occasion, of the Revolution. It is not contained in any act of Parliament, or declaration of rights, or assertion of authority. The truth is, the colonies had reached that point of conscious strength when they must become an integral part of the British Empire, or be separated entirely from it. If there ever had been, there was no longer a feeling of dependence; they were capable of self-support and protection. There could be no allegiance except upon principles of equality—and this England refused. The connection was unnatural and burdensome—the separation was natural and beneficial. It is not a declaration of the law alone which limits the control of the father over the son, but in the order of nature there is a time when the son is capable of self-judgment, and thereafter as regards rights they are upon terms of equality, and all civil and social arrangements proceed upon that theory.

But had Great Britain proposed union in 1775 to us, as in 1800 she did to Ireland, the obstacles were so serious that a separation must ultimately have taken place. One was the breadth of ocean between the two parts of the empire—then, and for sixty years, a more serious obstacle than at present. Another was the peerage—a part of the British system which could not have been abolished without the overthrow of the government, and yet incapable of introduction here. The proposition would have shocked the moral sentiment and the political principles of the whole people. And finally, our growing commerce, uneasy under monopolizing restraints and rival domination, demanded the freedom of the sea. Therefore it is evident that a union could not have been formed with any hope of permanence and power. Nor could the separation have taken place at a more fortunate time. The whole world



would have had cause to regret our participation in the wars of Napoleon, and from them we were saved by independence.

Although the existence of these natural sources of alienation and disunion must be admitted, they furnish no justification for the general policy of England—first negligent, then jealous, then oppressive, and finally reckless and sanguinary.

But we have come together from our various pursuits to contemplate the virtue and power of the American Revolution in itself and in its consequences, to show that the sentiment of gratitude is not dead within us—and finally, and above all, to thank God for the choice displays of His goodness to the American people.

There are men who deny the virtue of the Revolution. They do it in obedience to the doctrine that all wars are wrong. But those only can consistently maintain this doctrine who also maintain that all governments are wrong. The idea of government includes the idea that there are governing and governed parties to it. In this country the two are united. But all governments which have ever existed, including our own, make war upon those who forcibly question their authority, undermine their power, violate their laws, outrage the persons or property of their citizens. These are acts of hostility against a state, and are prevented or redressed by force—the element of war. Therefore, in principle, the daily operations of a government in time of peace are not to be distinguished from its movements in war; and in war as well as in peace each government is responsible for the manner in which it exercises its authority.

If we may employ force in support of good government, we may also employ force in the overthrow of a bad government. If we may forcibly defend a natural right, we may employ force to regain natural rights of which we have been disseized. It is admitted amongst us that of all wars the Revolution is the most easily to be defended; but I desire to see it occupy the

high moral ground which the most paternal and beneficial government occupies when it defends the natural and inalienable rights of its citizens.

The real question was this: Who may of right govern the North American colonies? the colonists themselves, or the Parliament of Great Britain? In the colonies there was no difference of opinion upon this point, though there was some as to the mode of securing its exercise. If, then, the right of self-government were in the colonists, did they use all proper means of securing its exercise previous to a resort to arms? They spent ten years in the work of petition, remonstrance and expostulation—and those ten years of experience convinced the people that the policy of the British Ministry and Parliament was fixed and irreversible; that there was only resistance to the execution of this policy on the one hand, and submission, which must end in abject slavery, on the other. If the American Revolution be morally indefensible, then not only are all wars indefensible, but all human governments, the wisest and the best, equally so.

The sentiment of the Revolution was altogether moral. There was an entire absence of the spirit of revenge, or rapine, or blood. They never for a moment placed as much reliance upon their numbers and strength as upon the justice of their cause and the existence of a Supreme Ruler, who controls the affairs of men. Such was the tone of the press, the pulpit and the bar. Everywhere the morality of the contest was examined and the ground carefully tested at each step. Not by leading men only, but by all those who had a vote to give in a town meeting or an arm to sustain the weapons of war. They were no zealots, like the crusaders; but plain, careful men, of sound moral perception and correct judgment. It is true that they were descendants of those who rejoiced when Charles the First was beheaded and James the Second was dethroned. This feeling, however, had no mixture of cruelty

in it, but it proceeded from a conviction that those monarchs were unworthy of the throne. Their impulses were always in favor of liberty. They sympathized with the members of the Republican Party in England, encouraged them at home, and welcomed them to these shores.

The Revolution was no sudden outbreak or the consummation of the wild enthusiasm which sometimes characterizes popular movements. All through our colonial and provincial history, questions had arisen and been discussed which prepared the public mind for independence. The strength of the revolutionary spirit in the different colonies bore a distinct relation to the fervor of the preceding local controversies.

It is impossible to say at what moment the public mind was steadily directed to independence, either as a possible or desirable termination of the controversies with the mother country. Both the war with France and the peace with France precipitated the American Revolution. The war, by developing the military courage and skill of our people, and by increasing the burdens of Great Britain, thus affording a pretext for additional taxation on America. The peace, by relieving the colonies of the presence of a foe which they dreaded on its own account, as well as for its active agency in stimulating the Indians to deeds of hostility. Thus, in fact, England exchanged the thirteen colonies to which she was allied by blood, language, and similarity of institutions, for the provinces of France, whose people even now reject her religion and system of government. Thus the success of the combined British and American forces in the French war developed the revolutionary spirit, created new issues, and led to the early dismemberment of the British Empire.

But omitting the settlement of the country and the causes which led to it, there are incidents all along our history which weakened the power of the home government. The most important, perhaps, were the decree in chancery of 1684, which

annulled the colonial charter, and the grant of a new charter in 1692 by William and Mary. The first was an act of unmitigated despotism, the second of short-sighted selfishness. The decree in chancery was universally offensive, and the provincial charter was accepted, because the colonists had no hope of any thing better. Thus the character of the government was changed fundamentally without the consent of the governed. The arrow aimed at colonial independence rankled in the public breast until the independence of America was achieved. The effort to strengthen British authority, in reality weakened it. Previous to 1684 religious profession was the basis of political rights, and the clergy gave direction to the policy of the state. John Cotton well states the result of the colony charter, to wit: "Such a form of government, as best serveth to establish their religion, should, by the consent of all, be established in the civil state." "The effect of this constitution was, first, that none but members of the church were freemen of the state; secondly, as none could be church members whom the minister did not approve, it followed that the ecclesiastical ruler had an efficient negative on the admission of every freeman; and thereby, as excommunication from the church created a civil, as well as ecclesiastical disability, it also followed that both the attainment and continuance of political rights were, to all practical purposes, in the hands of ecclesiastical rulers." By the provincial charter all this was abolished. The new government had exclusively for its end "the things about which the civil power is usually conversant; goods, lands, honors, the liberties and peace of the outward man." The influence of the clergy, at all times very great in New England, was thus separated from the English government, and they were at once identified in sympathy, hopes, and prospects, with the people of the colony. As I shall have occasion hereafter to say, this influence was essential to the success of the Revolution.

It is not likely that any form of government which Great Britain could have established, especially if it excluded our people from its control, could have maintained the union twenty-five years longer than the relation actually existed. The future in some particulars was as full of hope then to them as it is now to us. Many of their anticipations were so sanguine that the reality has not been equal to them. In 1763 an estimate was made that the population of New England in 1835 would be 4,000,000. From this it is apparent that they had already tasted prosperity and had come to understand the advantages of our country, especially in the character of its population, over the old countries of Europe.

The British Ministry did not discover the means by which the colonies were to be retained, if retained at all. Our ancestors had little respect for hereditary privileges and the pretensions of birth. They were for the most part believers in the equality of the human race; and, moreover, in their municipal governments, they had learned the safety and power of universal suffrage. A few men only in England had an accurate idea of American principles, or the difficulty of holding in unwilling embrace three million people. Among the representatives of this small class were the elder Pitt, Burke, and Wilkes.

Pitt declared that "three million people, so dead to all the feelings of liberty as voluntarily to submit to be slaves, would have been fit instruments to make slaves of ourselves."

Said Wilkes, "Know, then, that a successful resistance is a revolution, not a rebellion. Who can tell whether in a few years the independent Americans may not celebrate the glorious era of the revolution of 1775 as we do that of 1688?" Nor did his prophetic eye fail to penetrate even the distant future. "Where your fleets and armies are stationed," said he, "the possession will be secured, while they continue; but all the rest will be lost. In the great scale of empire, you will

decline, I fear, from the decision of this day; and the Americans will rise to independence, to power, to all the greatness of the most renowned states; for *they build on the solid basis of general public liberty.*" These were words of wisdom; but nations, like individual men, learn anything sooner than their own faults, and confess anything sooner than their own mistakes.

It is difficult for the historian to understand the policy of attempting to control America by force; for nothing is more certain than that, if we had failed in establishing our independence, Great Britain would also have failed in subjecting us to her schemes. After the shedding of blood at Lexington, reconciliation was impossible; nor is it certain that it could have been accomplished after the massacre in King Street, in 1770. To be sure the proceedings of the towns and the tone of all the memorials and petitions indicate this; but there were unquestionably men who thought it better that the connection should be dissolved at as early a period as possible. These men were right, both as regards our condition and the prosperity of England. Had we remained her subjects, like all colonies, we should have been of no advantage pecuniarily, and most likely a source of some expense. But with independence and the Constitution came prosperity to us, in which, through trade and the increased demand for her manufactures, England has largely participated.

Had she consented, in 1775, to the peaceful dismemberment of her empire, the independence of America, under such circumstances, would have increased her glory, spared her treasury, and saved her laborers from the pressure of taxes under which they have been weighed down. It may be, however, that the war was necessary to us. In ante-Revolutionary times there was not a strong tendency to union—in many parts of the country the opposite feeling existed. Even the Constitution was framed with difficulty, and received with hesitation

and doubt. The Constitution is not so much the result as the cause of our national character. The colonies had had different foundations. Some were English, some were Dutch, some were Roundheads, some Cavaliers, some were Catholics, some Protestants, some Baptists, some Quakers, some Congregationalists; and, finally, some of the colonies were free and some held slaves. It is apparent that there was not that tendency to union which was necessary to the formation of the Constitution. But the mutual dependence which the mutual necessities of the war produced convinced many of the propriety of a common government—a government which should be adequate to a time of peace and to a condition of war—a government which should guard each State from civil commotion and protect its citizens and commerce in every part of the world. It is evident that the free surrender of jurisdiction would have left the colonies to many years of separate existence, and controversies which might have passed into open hostility. The period between peace and the adoption of the Constitution was hardly more desirable than the previous condition of war. The currency was disordered and without value, the revenue systems of the different States were various and injurious to legitimate commerce, while the want of uniform laws upon subjects altogether national, was everywhere observed. A general government, adequate to the necessities of the nation, was not established until the inadequacy of the State governments had been felt in peace and war; but war more than peace created bonds of sympathy, and inspired confidence among the States.

The Revolution opened in Massachusetts. This province having been marked by the British Government, was not at all reluctant to take a prominent position in the controversies from 1765 to 1775. Therefore the attack was properly directed here, and here with equal propriety the first forcible resistance was made to British aggression.

The difficulties with Massachusetts were a century old. The colony charter had been annulled—her territory on the Merrimack and the Narragansett had been transferred to neighboring colonies, and the men whom she had elected to preside in her House of Representatives had been repeatedly rejected.

There had been from the first an ardent desire in the colony to establish a free Christian commonwealth, and on the part of England to maintain, if not extend, the power of the British Parliament. In May, 1774, as the representative of the latter purpose, General Gage arrived in Boston, and was soon followed by considerable bodies of troops. In August of the same year measures were taken for a Provincial Congress, to concert and execute an effectual plan for counteracting the system of despotism which had been introduced. The Congress instructed the general officers "effectually to oppose and resist" all attempts to execute the obnoxious acts of the British Parliament; and by a singular coincidence on the same day, February 9, 1775, the Parliament pledged the lives and property of the Commons to the support of these laws. On the side of the Americans, the courts were declared unconstitutional and their officers traitors—and the practice of the military art was earnestly recommended.

By the 1st of September, 1774, the issue was fairly presented. The claim on one side was the supremacy of the British Parliament, and on the other the supremacy of the American people. Parliament claimed the right to legislate for or over the colonies in all cases whatsoever; this right the colonists denied. Parliament had asserted its supremacy by the passage, in May, 1774, of "An act for the better regulating the government of the province of Massachusetts Bay," and "An act for the more impartial administration of justice in said province." Submission to these acts was the test. They would not execute themselves. Their precise character



was of no great importance to the people. It was a question of right, of authority, and not of detail. Had the acts been less oppressive, or even more so, the principle at issue would not have been changed. In August, 1774, one hundred and fifty of the best men of Middlesex assembled in the adjacent town of Concord, and uttered these memorable words:

"We are obliged to say, however painful it may be to us, that the question now is, whether by a submission to some of the late acts of the Parliament of Great Britain, we are contented to be the most abject slaves, and entail that slavery on posterity after us, or, by a manly, joint and virtuous opposition, assert and support our freedom. There is a mode of conduct which, in our very critical circumstances we wish to adopt—a conduct, on the one hand, never tamely submissive to tyranny and oppression; on the other, never degenerating into rage, passion and confusion. \* \* \* Again, "We must now exert ourselves, or all those efforts which for ten years past have brightened the annals of this country, will be totally frustrated. Life and Death, or what is more, Freedom and Slavery, are in a peculiar sense now before us; and the choice and success, under God, depend greatly on ourselves. We are therefore bound, as struggling not only for ourselves, but for future generations, to express our sentiments in the following resolves—sentiments which we think are founded in truth and justice, and therefore sentiments we are determined to abide by." In conclusion they say "no danger shall affright, no difficulties intimidate us; and if, in support of our rights, we are called to encounter even death, we are yet undaunted, sensible that he can never die too soon who lays down his life in support of the laws and liberties of his country."

If we for a moment forget the territorial and popular influence which belongs to the action of sovereign States and large masses of men, we shall see no material difference between this language and that of the Declaration of Independence. It

was a pledge of life to the support of the laws and liberties of the land. It was at once a concise and forcible review of the past; a just and eloquent defence of the principles and conduct of the colony; a noble appeal in behalf of that and future generations. Memorable words for men to utter who led at Lexington, Concord and Bunker Hill!

James Prescott, of Groton, was chairman of the convention, and Francis Faulkner, John Hayward and Ephraim Hapgood were members from the town of Acton. This was the most important step taken prior to the commencement of hostilities. The convention attracted universal notice. Copies of its proceedings were sent to the Continental Congress, then sitting at Philadelphia, and they received cordial approbation. But even as late as September, 1774, the patriots say to General Gage, "that their sole intention is to preserve pure and inviolate those rights to which, as men, and English Americans, they are justly entitled, and which have been guaranteed to them by his majesty's royal predecessors." Thus anxious were they at every point of the controversy to define the ground on which they stood.

From August, 1774, to February, 1775, the British were engaged in examinations of the country, in landing and drilling the troops, and in vain attempts to check the progress or expression of the public sentiment of almost universal hostility.

The province was engaged in the organization and discipline of the minute men, and the collection and safe-keeping of stores, arms and munitions of war; preparations for attack on the one side, and preparations for defence on the other. Nevertheless, this was a season for reflection. For six months after the issue was fairly presented, there were no evidences of fear, and but few indications of a disposition to conciliate.

General Gage, however, appears not to have entertained the common notion of English officers, that a small body of troops would put down all opposition. He informed his govern-

ment that the time for "conciliation, moderation, reasoning, was over," and that the first campaign should be opened by the presence of twenty thousand men. This was wise advice, because it was such advice as a wise man would have given under the circumstances. It was, however, a fortunate blunder in the English Government that they rejected it. They held Boston with the army they sent, and with a larger army they could have done nothing more. They might have made more frequent and more sanguinary forays into the country, but the result of the campaign would have been the same. It was neither possible nor politic for the Americans in the Revolution to assemble large bodies of troops; therefore, the presence of twenty, or even fifty, thousand men, would not have been a matter of great importance to the colonies.

England held us in 1775, as she holds many of her provinces now—by their own consent, but not otherwise. That consent can be perpetual only by the recognition of the principles of freedom and equality. The cause of liberty raises up friends and advocates everywhere. None of its martyrs ever die unwept, unhonored or unsung. The human heart has never been truer to any principle than to that of liberty. It is not in America alone that the cause of freedom excites sympathy and enlists support. Its voice is as potential, its victories as grateful elsewhere as with us. And when its banner is borne down and trampled in the dust, it is not in America alone that true hearts sympathize and bleed. There are noble men in England, France, Germany, Italy, and Hungary, upon whom the blow falls, as upon the first victims of slavery. But in the wisdom of God, the nation that is not just shall stand finally

"Childless and crownless in her voiceless woe,  
An empty urn within her withered hands."

And thus shall it be with Austria. With the judgment of the civilized world against her, with her people disaffected and

disloyal, her treasury drained and her credit destroyed, she shall wither and fall. The partition of Poland, and the dispersion of the Poles over Europe, have been active agencies in the revolutionary movements of that continent. Thus do the results of tyranny aid in the overthrow of tyrants. No government can now be considered strong, whether it call itself republican or monarchical, unless its foundations are laid deep in the affections of the people, and based upon the immutable principles of justice and equality.

In 1775, England had been engaged a century in the work of disunion. In a hundred years great changes may be wrought. The affections of a whole people may be diverted from former objects and attached to new ones. This was the great change which took place in America. England had ceased to be the *mother country*. The colonists had less regard for her in 1774 and 1775 than we have now. All fear and, I trust, all prejudice have disappeared, and we may look upon her as she is. However England may regard us, we need only view her as a splendid example of a nation great and powerful by the productiveness of her soil and mines, the ability of her people, and the liberalizing spirit of her commerce. In her present external condition, in her vast navy, her extensive commerce, in all save her insulated and secure position, we may read our own near destiny. Grasping, ambitious and powerful the British race certainly is; illiberal, cowardly or mean it certainly is not. Highly refined it never was, possibly never will be. Neither the ocean nor the mountain produces the highest refinement of manners or nicety of scientific investigation; but the shores of the ocean and the mountain valleys are the birthplaces of great men.

“Chains may subdue the feeble spirit, but thee,  
Man of the iron heart, they could not tame;  
For thou wert of the mountains, they proclaim  
The everlasting creed of liberty.”

On the 19th of April, 1775, the first movement was made which really put in danger the lives and property of the inhabitants of Massachusetts. Its destination was Concord—its object the destruction of the stores secreted there, and incidentally the seizure of obnoxious patriots who were members of the Provincial Congress, which had then but recently adjourned. It was a test movement in the controversy. If the British could make incursions and seize the public property of the province then the colonies would be disarmed and without the means of resisting the offensive acts of May, 1774. Hence the protection of the stores was the question of resistance or submission to the claims of Parliament.

You know the story of the stealthy, midnight march from Boston,—the successful mission to Adams and Hancock,—the sudden fear which seized Colonel Smith, the commander of the expedition,—his call for reinforcements before he knew whether the yeomanry would fight or not,—the massacre at Lexington,—the alarm of the country,—the gathering of the minute men,—the arrival of the foe at Concord,—the division of the invading party to secure the entrance to the town,—the engagement at the Old North Bridge, where the resolutions of the county of Middlesex of August, 1774, were embodied in action,—the confusion consequent upon so serious a matter as resistance to the Parliament and Ministry of England,—the retreat of the invading party,—the hot pursuit,—the final flight,—and the electric shock which the proceedings of April 19 gave to the colonies and to Great Britain.

These events were long and well remembered, and the historian cannot omit to give them importance in his view of the progress of liberty, and especially of American liberty. But my respect for your familiarity with the opening, thrilling scenes of the Revolution counsels me to omit the details, even when we remember those whose names have been made illustrious by the parts they bore. All shall live upon the just

page of our own historian. But the interest which belongs to the events of that day is not more on account of the important results of the war, than from the sense of duty under which the contest was commenced. It was this conviction which made America invincible. It produced that singular and highest quality of martyrdom which endures more than the worst enemies can inflict. It was this sense of duty which gave courage to our soldiers and inspired all our families with that charity and patriotism on which the army was so dependent for clothing and the necessities of life. The sentiment was almost universal that the colonies were oppressed, that the policy of the mother country was in violation of its own principles of government, that the colonists were refused the rights and privileges of British subjects, and lastly that Great Britain was determined to introduce a commercial system purposely detrimental to colonial interests; in fine, that commerce was to be paralyzed, manufactures discouraged, and agriculture reduced to a state of vassalage.

The public attention had been for many years directed to the possibility of a rupture,—none knew when or how terrible it would be. There had, however, been a long season of preparation. The courage necessary to meet the crisis was quite different from that which the mere soldier requires.

In 1775 our fathers were called upon to judge of the morality of the course they were entering, not for themselves only, but for their country and for posterity.

They commenced as rebels; whether their career should be that of patriots or traitors was in some degree uncertain. But a high sense of duty overcame all obstacles and led them with a firm reliance on Divine Providence to take the great step which must lead to freedom and honor or to slavery and disgrace.

Acton had uniformly supported the policy of the colony, and early pledged itself to the town of Boston in favor of

non-importation and non-consumption of foreign products. It declared in strong language its hostility to all those who did not subscribe to the merchants' agreement; even to denying them personal notice and social conversation. In November, 1774, a company of minute men was raised and placed under the command of Isaac Davis. It contained the hope of the town,—young men from sixteen to thirty years of age. They were frequently drilled at the public cost, and they acquired a good degree of discipline. On the morning of the 19th of April the town of Acton was alarmed by some unknown person who hurried rapidly on to more interior points. Early in the day Captain Davis with his company, enrolling about forty men, reached the northerly side of Concord River and took his proper position on the left of the line under command of Colonel Barrett. About a hundred British troops were near the bridge, but they soon removed to the opposite side of the river. Another small body had gone to Colonel Barrett's in search of stores secreted there. Before any blood was shed the officers of the provincial troops held a council at which it appears to have been understood that Captain Davis should take the right of the line. Whether the change was made in consequence of the superior equipment, or better discipline, or reputed valor of the Acton men, there is no reason to doubt that it was made, and made with the consent, if not at the request, of the officers and principal men upon the ground. But for whatever reason made, it was none the less creditable to the command which at once assumed the post of honor and the position of danger.

The column was led by Major Buttrick, Colonel Robinson and Captain Davis. Colonel Robinson was lieutenant-colonel of Prescott's regiment, and on this occasion he volunteered for no purpose but the encouragement of the men. At the first general fire from the British, Captain Davis and Abner Hosmer, a private in Davis' company, were killed. Almost in-

stantly the fire was returned, and one British soldier was killed and several were wounded. The engagement was at an end.

The two parties seem to have been equally confused by the fight. The Provincials manifested no fear, but the contest so long anticipated had actually taken place,—blood had been shed,—men had fallen on both sides. The responsibility of the moment was very great. In contemplation of law they had resisted the British Ministry, they had attacked the British throne.

The regulars retired to the village, and, the divisions of troops having joined each other, they commenced a retreat which for several miles was a precipitate flight.

Hayward fell mortally wounded at Lexington in a personal rencontre with a British soldier. It was fatal to both, though Hayward survived several hours. With a religious patriotism he assured his father that the day's doings gave him no regret.

Patriotism is one of the most exalted virtues. It is not, as some would have us believe, a mere excitement, or even a passion. It is high among the virtues which men in this state of existence may exhibit. Patriotism is not merely a barren attachment to the country in which we were born, nor is it that narrow yet holy feeling which leads us to look with affection upon the spot of our nativity,—upon the hills over which we have roamed in childhood and youth: but a large and noble view of the entire nation,—a regard for its institutions, social, moral, civil and religious, crowned by a manly spirit which leads its possessor to peril all in their defence. The patriot is devoted and self-sacrificing.

Such were Davis, Hayward and Hosmer. Their names were comparatively humble, yet they were men of duty, men of religion, men of a liberal patriotism. Davis was about thirty years of age. He was both a husband and a father.



He left his family that morning with a firm conviction that he should see them no more. If his lip quivered and his eye moistened as he trod his own freehold for the last time, fear had no part in those emotions. He had not accepted a command and trained his men for months without having anticipated the actual condition of war which was then immediately before him.

Hayward and Hosmer were both sons of deacons in the church and were sent forth that morning upon an errand of death with the paternal blessing. Neither churches nor clergy were indifferent to the result. The clergy had counseled resistance. The people had imbibed with their religious opinions and sentiments a deep hatred of oppression. The three who fell were young men and well educated for the age in which they lived. They were of the yeomanry. They did not serve on that day upon compulsion nor from mercenary motives. They were the servants of the province; they were martyrs in the cause of freedom.

“ Their names mankind shall hold  
In deep remembrance, and their memory shall be  
A lasting monument, a sacred shrine  
Of those who died for righteousness and truth.”

Colonel Robinson was a native of the county of Essex, but then a citizen of Westford. In 1775 he was forty years of age, a veteran of the French War, and at the time of his death in 1805 he had been engaged in nineteen battles. Of his courage there was no doubt. Thaxter says of him, “ a braver and more upright man I never knew.” At Bunker Hill he served under Prescott, who pronounced him both honorable and brave.

His epitaph claims for him the honor of commanding at Concord Bridge, but the weight of evidence is in favor of Major Buttrick as the active commander. And Robinson's fame can well spare even so distinguished an honor as the

command at the North Bridge. The name of Major Buttrick, with that of Captain Davis, was early consecrated by the Legislature of this Commonwealth.

From ten to twelve o'clock, of the morning of the 19th, there was a cessation of hostilities. This respite was the natural result of the policy and purposes of the two parties. The Americans' great idea was resistance. Whatever may be said to the contrary, the officers in command did not regard it within their line of duty to make an attack. The instructions of the Provincial Congress were explicit to the contrary. It was deemed a great point to show that the British fired first. But even admitting the purpose of the Americans to make an attack, the village of Concord was most unfavorable. The British would have had the advantage of position, and at any moment might have inflicted irreparable injury in the destruction of the town. To whatever reason the alleged apathy of the Americans during those two hours is attributable, it was most fortunate for the cause they defended.

The purpose of the invaders, it is quite certain, was a retreat to Boston rather than a renewal of hostilities at Concord. The fierce and continued attack of the Americans during the afternoon was induced by a knowledge of what had happened at Lexington, by the presence of large numbers of men, and possibly by the advice and counsel of Adams and Hancock.

Of Davis' company there were men among the survivors who deserve well of posterity. Thomas Thorp was an apprentice in Acton, having been taken from the alms-house of the town of Boston. He not only served at Concord but during the war; and his love of country shone as bright in the evening as in the morning of his days.

In Massachusetts the revolution was carried on by towns. These organizations were proof against all the attacks of the

British Government. For ten years previous to 1775, they had passed resolutions and taken the initiatory steps of resistance. The colonies were more cumbrous, and opinion when expressed was necessarily representative. Representatives may go beyond, or fall short of, the opinions of their principals, but the people themselves make no such mistakes. A New England town is the most perfect democracy which the world has ever seen. Citizens are upon an equality. Votes are not given on account of wealth, standing, or official position, but as the primary, legitimate right of each citizen. Even at the commencement of the Revolution we had had great experience in voting. It was not a questionable right. At all times, even when valued rights of British subjects were invaded, that of voting had never been assailed. Towns not only chose their selectmen and representatives, but with great freedom they expressed opinions upon public affairs and the conduct of public men, even to the King upon his throne. They had voted men and supplies in the French war, and in the Revolution they did the same. In this province the people were reached through the towns almost exclusively. They voluntarily assumed the burdens of the war, and hence they had great influence in its prosecution. It is a singular and most agreeable fact that the Revolution was eminently a popular movement; and in proportion as we appreciate correctly the burdens of the war does our respect increase for the men who voluntarily assumed them. When the army was famishing, when the soldiers were destitute of clothing, when men and money were needed, the appeal was made to the towns, and in their meetings the subject was considered and determined. I know not of a more gratifying fact in the Revolution than this, and I may venture to say that it is one whose importance has been sometimes overlooked.

The spirit of patriotic Boston was the spirit of every municipality in the province, and there is no instance of de-

votion superior to that manifested by all when Boston was the special object of ministerial wrath. Her injuries were felt by each town as though the blow were aimed at its own independence and integrity. And so in fact it was. But had Boston even fallen there were still strongholds of rebellion throughout the province, and the principles of the revolution would have survived.

Nor did the towns cease their efforts when they had voted supplies for the prosecution of the war. They took part early in favor of independence. In every town men sprung up equal to the crisis which existed. Our local histories will bear to posterity resolutions as immortal in sentiment and principle as the Declaration of Independence itself. The resolutions of the neighboring town of Concord express the views of Massachusetts towns. They say: "As men we have a right to life, liberty and property; as Christians, we in this land, (blessed be God for it) have a right to worship God according to the dictates of our own consciences; and as subjects we have a right to personal security, personal liberty, and private property. These principal rights we have as subjects of Great Britain; and no power on earth can agreeably to our constitution take them from us, or any part of them without our consent." Where such principles existed the Declaration of Independence was a necessity; therefore when it came, most of our towns were prepared not only to accept it but to sustain it. They readily affirmed in their own names the principles which had been declared, and assumed the responsibilities which had been taken by their representatives in the Continental Congress.

Nor did their active agency in the cause of liberty and government cease here. They declared the principles on which the State government ought to be based and the manner of framing it. The resolutions of Acton and Concord are full and explicit on this point. They deny the authority of the

Legislature to frame a constitution because, says the town of Acton, "a constitution properly framed has a system of principles established to secure the subjects in the possession of their rights and privileges, against any encroachments of the Legislative part; and it is our opinion that the same body that forms a constitution, have, of consequence, a power to alter it; and we conceive, that a constitution, alterable by the supreme legislative power, is no security to the subjects, against the encroachments of that power on our rights and privileges." And it was resolved, "that the town thinks it expedient that a convention be chosen by the inhabitants of the several towns and districts in this state, being free to form and establish a constitution for this state." The constitution proposed by the Legislature was rejected by a vote of about three to one.

Similar resolutions were passed by Concord, and the legislative constitution was unanimously rejected. But the town of Acton, early and alone, so far as I can ascertain, made a distinct declaration in favor of an American Republic. On the 14th of June, 1776, twenty days before the Declaration of Independence, the inhabitants declared "that the many injuries and unheard of barbarities, which the colonies have received from Great Britain, confirm us in the opinion, that the present age will be deficient in their duty to God, their posterity and themselves, if they do not establish an American republic. This is the only form of government we wish to see established."

It is true that the idea of a common government was somewhat general, but not by any means universal even in Massachusetts, while Maryland had not then declared herself in favor of independence.

It was a liberal, enlarged, progressive idea which looked from beneath the lowering clouds of war, tyranny and hardship to the existence of an American republic which should

include at least all the territory within the jurisdiction of the thirteen colonies. For even at a much later period there were men of exalted attainments who doubted the applicability of the republican principle to large sections of territory, and who would have sought in the division of the country, or in the establishment of what was then deemed a stronger government that security which they did not expect in an American republic.

The revolution through the town governments had three principal points of support. First, *popular intelligence*; secondly, *the influence of the clergy*; thirdly, *the possession of land*.

The age of the Revolution was an intelligent, thinking age. It cannot be considered as one of refinement, but there was a great degree of original, independent, manly, intellectual activity. It was an age of great men, both in this country and England. It could boast of the Pitts, Burke, Fox and Sheridan; of Washington, Franklin, Jefferson, the Adamses, Patrick Henry and the Lees. It was an age of useful intelligence, of eminent practical wisdom. The leading minds of a country to some extent represent its general characteristics. A popular sentiment which sustained with fidelity the measures of non-intercourse, of resistance and of war; which gave a generous, affectionate, intelligent support to the leaders of the Revolution, must have been liberal, sagacious and honest. The common-school system had been in operation more than a century and a quarter, and under its influence the patriotism of the Revolution was highly intelligent.

The clergy generally were warm supporters of the war. Most of them were graduates of Harvard College, whose influence was always on the patriot side. The influence of the clergy was very great in New England; hence the two most powerful springs of human action, religious and political enthusiasm, were blended in the breasts of our fathers.

Some of the clergy, like Emerson of Concord, gave their personal services to the American cause; while others, like Adams and Clark, made the points in controversy with the mother country themes of religious discourse. The religion of Massachusetts was patriotic.

The Rev. Zabdiel Adams, of Lunenburg, in a sermon preached during the war, uttered these prophetic words: "To encourage us to persevere, let us anticipate the rising glory of America. Behold her seas whitened with commerce, her capitals filled with inhabitants, and resounding with the din of industry. See her rising to independence and glory. Contemplate the respectable figure she will one day make among the nations of the earth; behold her venerable for wisdom, for counsel, for might; flourishing in science, in agriculture and navigation, and in the arts of peace. Figure to yourselves that this your native country will ere long become the permanent seat of liberty, the retreat of philosophers, the asylum of the oppressed, the umpire of contending nations, and we would hope the glory of Christ."

In the Revolution a large portion of the people were landholders,—men who answer to the old Saxon term yeoman. Of course it is not possible for every man to own land, nor is it essential that every man should be a land-holder, yet it is evident that a community loses nothing by an increase of proprietors.

When a man owns land, even though his acres be not broad, he feels a new interest in the welfare and freedom of the state. The possession of land creates a certain and desirable independence. Inducements should therefore be held out to every branch of society, that the ennobling idea of home may be realized in every bosom. Even to this day our unoccupied lands are the storehouse of American freedom,—they are father's mansions to which every son of the Republic, be he prodigal or not, may turn his steps and find a welcome.

And when our population shall have reached two hundred million, may there still be beneath the flag of the Republic a home for the oppressed and a refuge for the down-trodden.

In 1775 the spirit of emigration had not developed itself in the New England character; it was latent until Wayne's victory in 1794 prepared for our fathers the fertile lands and inviting climate of Ohio. The proportion of land-holders in Massachusetts was much greater then than at present, though the absolute number is now quite equal to that of the United Kingdom of Great Britain and Ireland.

In all other countries the possession of land has been the element of aristocracy; but with us it has been made subservient to the principles of republicanism. And as an aristocracy cannot exist unless the land is aggregated in the hands of a few, so a republic cannot exist unless the land is divided among the many. There can be no doubt that the great proportion of land-holders was an element of strength in the Revolution. Patriotism is defined as love of country,—and part of that love proceeds from the fact that within and under the protection of our country is our home.

On the 19th of April, 1775, the men of Acton left their homes upon these hills, and their families anxious and disconsolate, that they and their descendants might have homes undisturbed by the hand of the oppressor.

On the 20th of April, 1775, these homes were deserted that all might pay the last tribute of respect to Davis, Hayward and Hosmer. And now after the lapse of seventy-six years the descendants of that generation have met, not as then to mingle their tears at the grave of departed friends and heroes, but to utter with all of filial respect the names of worthy men, and to impress with new power upon their hearts the sentiment of gratitude for all who served and suffered in the cause of American freedom. And as we contemplate the glorious death of those who fell, shall we not say,



“ Since all must life resign,  
Those sweet rewards which decorate the brave  
'Tis folly to decline,  
And steal inglorious to the silent grave.”

As compared with the existence of the world only a short space of time has intervened between the 19th of April, 1775, and this day, yet three generations of men have trodden these fields and aided in the great work of perfecting and preserving American institutions. With what confidence, fellow citizens, did your ancestors look to independence and the establishment of the form of government under which we have lived and prospered as a people? Beyond this form neither the patriot nor statesman can look with hope.

Who will propose to the now united American people either a return to the almost forgotten confederacy of 1778, or the establishment of several governments? Nobody,—nobody. When we contrast our institutions with those of any other country, how ought we to thank God for the measure of personal happiness and political security we have enjoyed.

Not that our institutions are perfect,—nor that there is nothing which the philanthropist may deplore or the statesman condemn. All the anticipations of our ancestors have not been realized. The past is not all perfect; the future will not always cheer us with sunshine and smiles; but he is a misanthrope who allows his opinions to be controlled by the exceptions to the general current of our national career.

Our years of independence have been years of almost uninterrupted prosperity, but they have borne to the grave those who took part in the later as well as earlier contests of the Revolution. Of Lexington and Concord, one only remains; and from all the battlefields of the war this occasion has brought together but two.

But, fellow citizens, the few survivors are not only ven-

erable, they are sacred men. They are the last of a noble generation. They periled their lives in behalf of liberty, when

“ 'Twas treason to love her and death to defend.”

Fortunate all are you whose eyes rest to-day on these few surviving soldiers of the Revolution. Fortunate are the youth and children who on this occasion and in this presence can pledge themselves to the cause of constitutional liberty. Of these men the next generation shall know only from history. Fortunate then that your lives began before theirs ended.

The patriot should do homage to these men, the statesman may sit at their feet and learn lessons of fidelity to principle, and citizens all may see how nobly ends the life begun in the performance of duty.

To-day the commonwealth of Massachusetts and the town of Acton dedicate this monument to the memory of the early martyrs of the Revolution, and consecrate it to the principles of liberty and of patriotism. Here its base shall rest and its apex point to the heavens through the coming centuries. Though it bears the names of humble men, and commemorates services stern rather than brilliant, it shall be as immortal as American history. The ground on which it stands shall be made classical by the deeds which it commemorates. And may this monument exist only with the existence of the republic; and when God in His wisdom shall bring this government to nought, as all human governments must come to nought, may no stone remain to point the inquirer to fields of valor or to remind him of deeds of glory. And finally, may the republic resemble the sun in his daily circuit, so that none shall know whether its path were more glorious in the rising or in the setting.

## XVII

### SUDBURY MONUMENT

**A**T the session of 1851 the Legislature made an appropriation of five hundred dollars to aid the town of Sudbury in building a memorial to Captain Wadsworth and the men of his command who were cut off at Sudbury in the year 1676 in the war known as King Philip's War.

As Governor I was made a member of the committee for the erection of a monument. The first subject was the style of the memorial. The artists of Boston and vicinity sent designs and plans. Some of these were very attractive. It happened, however, that a member of my Council, the Hon. Isaac Davis, of Worcester, had returned recently from a visit to Europe. He informed me that he had seen at Luoca in Italy, a pyramidal structure which was considered the finest monument of its sort to be found in Europe. I sent immediately for the proportions of the pyramid and the Sudbury monument was modeled upon the same plan. I am of the opinion that it fully justifies the claim made in behalf of the original.

A serious difficulty occurred in regard to the inscription upon the Sudbury monument. The original slab was erected in the year 1692 by Benjamin Wadsworth, a son of Captain Wadsworth. The son was then President Wadsworth of Harvard College. The inscription stated that the fight took place April 18, 1676. In later times it was discovered that two old almanacs, one kept by Minister Hobart of Hingham and one by Judge Sewall, contained entries of the fight *on*

*the 21st of April, 1676.* I examined the question and became satisfied that those entries were made on the day when the intelligence was received by the writers. Accordingly I followed President Wadsworth as to the date. The *Genealogical Register*, under the charge of a Mr. Drake, in two articles criticized my inscription. I replied in the *Register* and ended my article with a sentence which Drake struck out. The sentence was this: "*The testimony of President Wadsworth as to the time of his father's death is of more value than all the theories of all the genealogists who have existed since their vocation was so justly condemned by St. Paul.*"

A few months later I appeared in the court to try a case which involved my client's reputation for truth, and a thousand dollars in money. To my dismay I saw that Drake was foreman of the jury. I lost my case, but I think justly upon the evidence. My principal witness failed to make good upon the stand the statement that he had made to me in my office. One of the perils in the practice of law is that clients and clients' witnesses either make misstatements or fail to make full statements of the facts.

In the middle-third part of the nineteenth century, the date of Sudbury Fight was a topic of serious controversy by genealogists and historians. I was responsible for the date that appears upon the monument that was erected in the year 1852. The conclusion that I had reached was condemned by the *Genealogical Register* and by a committee of the Society. In the year 1866 I reviewed the evidence, on which my opponents relied, and I marshaled the evidence in support of the accuracy of the date that appeared upon the monument. In the year 1876 the town of Sudbury observed the bi-centennial on the 18th day of April, thus giving sanction to the date on the monument.

At the dedication of the Sudbury monument I made the following address:

## ADDRESS

Families, races and nations of men appear, act their respective parts, and then pass away. Political organizations are dissolved by the influence of time. At some periods and in some portions of the world, barbarous races appropriate to their use the former domain of civilization, while at other points of time and space nations are rapidly advancing in wealth and refinement. If savage communities have been exterminated by superior races of men, so have the arts and civilities of the most enlightened people been displaced by the rude passions and rugged manners of barbarism. As in the natural world there is a slow revolution of thousands of years, by which every part of this globe is brought within the tropics and beneath the poles, so there appears to be a great cycle of humanity, whose law is that every portion of the race shall pass through each condition of social, intellectual and moral existence.

But whatever may be the fate of families, races and nations, their influence is in some sense perpetual. The Past is not dead. By a mysterious cord it is connected with the Present. Could we analyze our life, we should perhaps find that but few of the emotions we experience are to be traced to events and circumstances which have occurred in our own time.

We admire the heroes of Grecian history and even of Grecian fable. We are inspired by ancient poetry and eloquence, as well as by the bards and orators of modern times. Painting and sculpture are the equal admiration of every refined age. The virtue of patriotism has been illustrated by savage as well as civilized life. Thus every recorded event of the past has somewhat of value for us. Hence men seek to connect themselves by blood and language with Europe, or even with Asia, and delight to trace their family and name into the dark centuries of the Past. We search for the truth

amid the myths and fables of Grecian and Roman history, and have faith that the ruins of Nineveh, Memphis and Palmyra shall yet declare the civilities, learning and religion of ancient days.

Few nations have had a perfect history. Valuable history can be derived only from the continued record of the transactions of a people. Wherever governments have existed in fact before they have existed in form, or wherever the proceedings of a government have not been matters of record, there can be no trustworthy history. In these respects Massachusetts has been fortunate. Her government is older than her existence as colonies, and from the first a faithful record of her proceedings has been made. The foundations of New Plymouth and Massachusetts were laid more than two centuries ago; the circumstances of this occasion lead us to consider the least defensible portions of their history; yet the world cannot charge them with suppressing any fact necessary to a true appreciation of their policy and character. Whatever they did was in the fear of God and without the fear of man. Conscious of their own integrity of purpose, they shrunk not from the judgment of posterity. And though in this hour we may not always approve their policy, so neither can we comprehend their principles or appreciate their trials. The human family has ever been subject to one great law. It is this: Inferior races disappear in the presence of their superiors, or become dependent upon them. Now, while this law shall not stand as a defence for our fathers, it is satisfactory to feel that no policy could have civilized or even saved the Indian tribes of Massachusetts. The remnants that linger in our midst are not the representatives of the native nobility of the forest two centuries ago. Nor did Williams or Eliot, by kindness or religion, ever command the fierce spirits of Miantonomo, Canonchet and Philip. Nevertheless, let history exalt these men. Let it speak truly of their genius,

their courage, their patriotism, their devotion to their race; and, as for Massachusetts, she shall be known and read of all from the dark day when the colony of Plymouth had not ten efficient men, to this auspicious moment when within our borders a million of free and happy people speak the language and glory in the descent of the Pilgrim Fathers!

The existence of Massachusetts is properly divided into three parts.

First, as a colony from the settlement of Plymouth in 1620, to the loss of the Massachusetts charter in 1684. Second, as a province from the charter for the Province of William and Mary in 1691, to the Declaration of Independence in 1776. Third, as a State from 1780 to the present time. As a colony, the civil rights of our ancestors were those of British subjects, but their political and religious privileges were much greater: As a province their civil rights remained, religious freedom was extended, while their political privileges were materially limited.

The occasion, these services, this monument and inscription, connect us with the colony. We are not here so much reminded of the men who fell, as of the sacrifices and sufferings of the colonies in 1675 and '76. The period of King Philip's War was the most trying and perilous in our history. The Revolution was a struggle for freedom; the contest with Philip was for existence. Philip contemplated the extermination of the English in America, while King George only desired their subjugation to his authority. Nor was the latter ever so near the accomplishment of his design as was the former in the autumn of 1675.

Massachusetts has seen no such other winter as that which followed.

"Morn came, and went—and came, and brought no day,  
And men forgot their passions in the dread  
Of this their desolation."

As late as March, 1676, says Hubbard, "it was full sea with Philip's affairs." And even on the 26th of April, the Plymouth colony writes thus to Massachusetts:

"The Lord undertake for us, for we are in a very low condition; and the spirits of our people begin to run low, also being now averse to going forth against the enemies. The Lord have us patient to wait God's time, although our salvation seems still to be far from us."

The war commenced on the 24th day of June, 1675, and ended on the 12th of August, 1676, by the death of Philip.

The colonies of Massachusetts, Plymouth, Connecticut and New Haven were united, and Governor Josiah Winslow of Plymouth was appointed commander-in-chief.

Neither the population nor the available force of the colonies is now known. Some writers have estimated the population of New England at a hundred and twenty thousand. This is plainly an exaggeration. From a few scattered fragments and facts we may conclude that Massachusetts had a force of about 4,500 men, New Haven and Connecticut about 2,000, and Plymouth about 1,300; in all about 8,000 men. Of these Massachusetts had a cavalry force seven hundred strong. Upon this basis the entire population could not have exceeded 60,000, and some writers, on the other hand, have estimated it at only forty thousand souls. But, whatever may have been the number of able-bodied men in the colonies, the available force for active service must have been small. A large number of towns were to be garrisoned, and many men were necessarily employed in the customary duties of life.

Still less is known of the strength of Philip's confederated tribes. Pestilence and war had depopulated New England previous to the arrival of the Pilgrims. In 1675 the Pokanokets and Narragansets were the most powerful, and together mustered three or four thousand warriors. Philip was sachem of the Pokanokets and Canonchet of the Narra-



gansets. These tribes constituted Philip's reliable strength, but he had confederated with him and pledged to the common cause the smaller chiefs of the Piscataqua and Merrimack, of central Massachusetts and the valley of the Connecticut. The Narragansets occupied what is now Rhode Island and the islands adjacent thereto, while Philip as the chief of the Pokanokets or Wampanoags had his seat at Montaup or Mount Hope. It was not, however, expedient or possible for him to concentrate a large force upon any one point. With his forces divided into war parties as necessity or circumstances dictated, he was able in the space of thirteen months to attack and partially or entirely destroy a great number of towns, among which were Brookfield, Lancaster, Marlboro', Sudbury, Groton, Deerfield, Springfield, Hatfield, Northfield, Northampton, Chelmsford, Andover, Medfield, Rehoboth, Plymouth, Scituate, Weymouth, and Middleborough in Massachusetts, and New Plymouth, Providence and Warwick in Rhode Island. Of these, twelve or thirteen were entirely destroyed.

Six hundred dwellings were burned, and sixteen hundred persons slain or carried into captivity. There was not a house standing between Stonington and Providence. It was as destructive as a war would now be to Massachusetts which should send twenty thousand able-bodied men to the grave, and render twenty thousand families houseless, and for the most part destitute. Had all the events of the Revolution been crowded into twelve months, the conflict would have been less terrible than was the war with Philip. His operations menaced and endangered the existence of the colony. There was a probability that the taunting threat of John Monoco, the leader of the party which burned Groton, that he would burn Chelmsford, Concord, Watertown, Cambridge, Charlestown, Roxbury and Boston, might even be executed. Hardly anything else remained of the Massachusetts colony on which the

power and vengeance of Philip could fall. Points of the interior, to be sure, were garrisoned, but for the most part it was an unbroken forest, or marked only by heaps of smouldering ruins.

And here may we well pause and reflect, that however we or posterity may judge the Indian policy of our ancestors, the scenes through which they passed were not calculated to mitigate the horrors of war, or in the hour of triumph to awaken emotions of pity for the fallen.

As for the Indians, they were destroyed. Their great sachems had fallen. Anawon, Canonchet, Philip, were no more. Nor had their fighting men survived them. Their towns, of which they had many, were burned. And why should the humble wigwam remain when the heroic spirit of its occupant had departed?

And, worse than all, the women and children had been massacred or sold into slavery.

—"few remain  
To strive, and those must strive in vain."

Peace came; but—sad thought—there was no treaty of peace. It was a war of extermination. Not often in the history of the world has it happened thus. The colonists believed that they had been fighting the battles of God's chosen people. Mather says, "the evident hand of Heaven appearing on the side of the people, whose hope and help were alone in the Almighty Lord of Hosts, extinguished whole nations of savages at such a rate, that there can hardly any of them now be found under any distinction upon the face of the earth."

At some points in New Hampshire and the district of Maine, the fires of war flickered ere they went forever out. Omitting comparatively unimportant incursions, the Indian wars of Massachusetts and New Plymouth were ended. The existence of these hitherto feeble settlements was rendered

certain. Although political and religious controversies occupied the attention of the settlers, they yet found means to cultivate the arts of peace. The forest was broken up, commerce was increased, agriculture flourished, new settlements were made, confidence was created, men saw before them a future in which they had hope. As our fathers passed from war to peace they forgot not their religious duties, and the 29th of June in Massachusetts, and the 17th of August in Plymouth, were set apart as days of public thanksgiving and praise. Days of sadness, too, they must have been; days of woe as well as of triumph. The colonies were bereaved in the loss of brave and valuable men,—families were bereaved in the loss of homes,—and all were bereaved in the fall or captivity of kindred and friends. And could our ancestors have seen that this was the first great step in the red man's solemn march to the grave, a tear of sympathy would have fallen in behalf of a noble and heroic race.

The war was brief; its operations were rapid. In the space of less than fourteen months the Indians were exterminated and the whites reduced to the condition I have faintly portrayed. Yet, until the 19th of December, 1675, when the colonists made a most destructive attack upon the Indians at what is now South Kingston, the war had been confined chiefly to the valley of the Connecticut. But from that moment Philip was like a hungry tiger goaded in confinement, suddenly let loose upon his prey. The destruction of villages and the deadly ambuscade of bodies of men followed each other in quick succession. In the space of sixty days his forces attacked Lancaster, Medfield, Weymouth, Groton, Warwick, Marlboro', Rehoboth, Providence, Chelmsford, Andover and Sudbury. At least one half of the death and desolation of the war was crowded into this short period of time.

There was no security except in garrisons defended by

armed men. The Indian marches exceeded in celerity the movements of well-furnished cavalry in civilized countries. Their women even aided in the march and in the camp. Accustomed to hardship and famine, they subsisted in a manner incredible to our time and race. And with one or two exceptions, when the colonists came upon the Indians unexpectedly, the latter were superior in the strategic arts of war, though in open fight their fire was much less destructive. It must be confessed that Captain Lathrop at Bloody Brook, and Captain Wadsworth at Sudbury, were, in a degree, incautious. Hubbard closes his account of the disaster with these words:

“ Thus, as in former attempts of like nature, too much courage and eagerness in pursuit of the enemy hath added another fatal blow to this poor country.”

For a long period a feeling of insecurity oppressed the settlers. Each town was furnished with a garrison. The Indian trail was the signal for alarm, and through long years the events of Philip's war were borne by tradition and history to itching ears and timid hearts in the garrison and family circle.

Passing from the principal features of this bloody contest, we feel that its details are less certain.

In 1676, Sudbury was a frontier town, although settled as early as 1638. Marlboro' was attacked and nearly destroyed the 26th of March, 1676. Captain Sam'l Brocklebank, of Rowley, with a company of Essex men, was stationed at Marlboro'; but his apprehensions of danger were so slight that he asked to be relieved from the service. On the 27th of March, Lieutenant Jacobs, of Captain Brocklebank's company, with forty soldiers, one half of whom were Sudbury men, attacked a party of 300 sleeping Indians, and disabled thirty of them without the loss of a man. The news of the attack upon Marlboro' early furnished by Captain Brockle-

bank, induced the Council to order Captain Wadsworth of Milton, with about fifty men, to its relief. At or near Marlboro' he was informed that Sudbury was the besieged town. It is certain that he left his young men in the garrison at Marlboro' under command of Lieutenant Jacobs, and he was probably joined by Captain Brocklebank with a part or the whole of his command. It is said that Wadsworth had marched from Boston that day, yet he moved immediately for the relief of Sudbury. Presuming that the hill where this monument stands is that to which Captain Wadsworth was forced by the Indians, their decoy-outposts must have been a mile or a mile and a half on the way to Marlboro'.

Captain Wadsworth estimated the number of Indians first discovered at one hundred. These he pursued about a mile, when he found himself surrounded by a body of savages four or five hundred strong. Captain Wadsworth was probably at the bloody fight of the 19th of December, he was in the Narraganset country about the 1st of January, and he had marched at the head of forty men to the relief of Lancaster, yet he appears from the little truth within our reach, to have neglected those precautions essential to safety in Indian warfare. But it should be remembered that Captain Wadsworth and Captain Brocklebank were born about the time of the Pequot War, and could have had no experience in similar service previous to hostilities with Philip.

The loss of men is not certainly known, nor do writers agree that the fight took place on the 18th of April.

The inscription upon the monument follows the authority of President Wadsworth of Harvard College, son of Captain Wadsworth, and for a portion of his life minister of the first church in Boston. He had superior facilities for ascertaining the truth and strong motives for stating it. He puts the loss at twenty-nine officers and men, and fixes upon the 18th of April as the day of the fight.

His statement is sustained by the evidence I have gathered. Some writers have put the loss at fifty, and others as high as seventy men, but these numbers exceed the truth. Wadsworth had fifty men; Brocklebank may have had as many more. We can account for about ninety-six. On the 24th of April, Lieutenant Jacobs acknowledges the receipt of his charge as Captain, in place of Captain Brocklebank, and informs the Governor and his Council that his company consists of about forty-six men, a portion of whom were left at Marlboro' by Captain Wadsworth.

Hubbard says, that of Wadsworth's company, not above twenty escaped, and Daniel Warren and Joseph Pierce, who buried the dead, say that fourteen or fifteen of Captain Wadsworth's men were concealed at Mr. Noist's mill. Taking the statements of Hubbard and Jacobs, we account for ninety-six officers and men, viz.: forty-seven left at Marlboro', twenty-nine killed, and twenty escaped.

Some writer has stated that the battle was fought on the 21st, instead of the 18th of April. It may not be proved that the battle was fought on the 18th, but it is determined that it was fought previous to the 21st.

On the 21st of April, the Massachusetts Council communicated the fact in writing to the Plymouth Colony. It is true that Lieutenant Jacobs does not mention the loss of Wadsworth and Brocklebank in a letter to the Governor and Council, dated at Marlboro' on the 22d of April; but in his letter of the 24th, he refers to the subject as he might have done, had he received the intelligence when he received his authority to take the command of the fort and men at Marlboro'. And this was probably the case. That communication between the two towns was suspended, is apparent from Jacobs' letter of the 22d of April, to which I have referred. The conclusion, I think, is that, under the circumstances, there is a reasonable

amount of evidence in support of the statement of President Wadsworth.

The loss of Wadsworth and Brocklebank was severely felt by the colony. Hubbard says, "Wadsworth was a resolute, stout-hearted soldier, and Brocklebank a choice, spirited man." Mather says, "but the worst part of the story is, that Captain Wadsworth, one worthy to live in our history under the name of a good man, coming up after a long, hard, unwearied march with seventy men unto the relief of distressed Sudbury, found himself in the woods on the sudden, surrounded with about five hundred of the enemy, whereupon our men fought like men, and more than so."

Capt. Samuel Wadsworth was the youngest son of Christopher Wadsworth, one of the early Plymouth Pilgrims, who settled at Duxbury with Capt. Miles Standish. Samuel Wadsworth was born at Duxbury about 1630, and was therefore forty-five or six years of age when he died. He first appears at Milton, in 1656, where he took up three hundred acres of land near the center of the town. He was interested in obtaining the separation of the town from Dorchester and in its incorporation in 1662. In the new town he was the first captain of the militia, one of the selectmen, a member of the House of Representatives, a trustee of the church and active in church affairs. That he was highly esteemed in the town is apparent from these facts as well as from a memorial of Robert Babcock, one of the selectmen of Milton. He feelingly alludes to the loss in these words: "*Captain Wadsworth being departed from us, whose face we shall see here no more.*"

Capt. Samuel Brocklebank, of Rowley, was born in England, and was also about forty-six years of age at the time of his death. In November, 1675, he informed Governor Leverett that he had impressed twelve men for the war. Of these, seven returned to Rowley. His correspondence with the

Council shows him to have been a man of respectable attainments.

As then the colonies and the town shared a common grief in the loss of these devoted men, so now it is appropriate that the State and town should unite in the erection of this unpretending memorial of their names and virtues.

In April, 1676, Philip's power was at its height. But his successes had weakened him. His warriors were slain or scattered over the country, his provisions and ammunition were exhausted, and Canonchet, his most valuable ally, had planned his last ambuscade, and rallied his Narragansets for the last time. The rapidity of Philip's movements, and the fierceness of his attacks, had deprived his warriors of the moral power to withstand reverses. His operations for two months had been those of a desperate man; and when desperation is followed by misfortune there is no hope of recovery.

The winter campaign of 1675-6 was opened and conducted with great vigor on the part of the colonies.

The second of December was appointed and set apart as a day of solemn humiliation for the imploring of God's special grace and favor to appear for his poor people. Then the treasurer was clothed with unlimited power to borrow money, and authorized to pledge the public lands acquired and to be acquired for the payment of the war debt; one thousand stands of arms and a corresponding quantity of ammunition were ordered; men were impressed for active service in the field, for the erection and defence of garrisons, and for the tillage of the soil; the women and children of the frontier towns were sent towards the coast; the Indian trading houses were abolished; and even the members of Harvard College were required to pay their proportion of rates, and to serve in the army either personally or by substitute.

The Council were instructed to use their "utmost endeav-



ors, with promise of such rewards as they judge meet, to get the Mohegans and Pequots " to cut off the Indians of Philip. Governor Winslow was commander-in-chief, and was instructed by "care, courage, diligence, policy and favor, to discover, pursue and encounter, and by the help of God to vanquish and subdue the cruel, barbarous and treacherous enemy, whether Philip Sachem and his Wampanoags, or the Narraganset and his undoubted allies, or any other their friends and abettors."

Canonchet, son of Miantonomo and grand nephew of Canonicus, was chief of the Narragansets. When the colonists first became acquainted with this tribe, Canonicus was their sachem, but his nephew Miantonomo was associated with him in the government. This sachem was never a friend to the English, and he early sent to Plymouth a bundle of arrows bound in a rattle-snake's skin as a war challenge. Miantonomo was less hostile, but Canonchet manifested the spirit of his grand uncle. Immediately after hostilities commenced with Philip the English demanded of Canonchet the surrender of certain Pokanokets alleged to be within his dominions. This was his reply: "Deliver the Indians of Philip! Never. Not a Wampanoag will I ever give up. No. Not the paring of a Wampanoag's nail."

He was of course charged with being in alliance with Philip. A force of a thousand men with such Indian allies as could be mustered, was marched immediately into his country. This was the force engaged on the 19th of December in the famous Swamp Fight, the most sanguinary battle of Philip's War. Six hundred warriors were slain, six hundred wigwams were burned, and an unknown number of women, children and old men perished in the flames. The English loss exceeded two hundred, among whom were several brave officers. From this moment the fortunes of Canonchet were identified with Philip's, and he is supposed

to have commanded in many of the attacks upon the frontier towns. About the last of March, 1676, he visited the Connecticut River to urge, if not to superintend, the planting of corn. Finding his people destitute of seed, he returned to obtain a supply, but was arrested at Seekonk and executed at Stonington. His death was a sad blow to Philip, and the occasion of great joy in the colonies. When told that he must die, he said :

“ It is well. I shall die before my heart is soft. I will speak nothing which Canonchet should be ashamed to speak. It is well.”

Thus fell Canonchet, the last great chief of the Narragansets. A man so noble and chivalric in his spirit that his life and death commanded the admiration of his worst enemies. They vainly imagined that some disembodied spirit of Greece or Rome had revisited the earth in the vast physical and mental proportions of Canonchet.

Forty years before, the friendship of his father, Miantonomo, and the qualified hostility he assumed towards Sassacus and the Pequots had saved the infant colonies from destruction. Sassacus, the Pequot chief, had proposed to Canonicus an alliance against the English, but in consequence of the advice of Roger Williams, Miantonomo visited Governor Winthrop at Boston, was received and entertained with great ceremony, and finally concluded with the colonies a treaty of peace and alliance. Its main provisions were these :

1st. Peace with Massachusetts and the other English plantations.

2d. Neither party to make peace with the Pequots without the consent of the other.

3d. Neither party to harbor Pequots.

4th. Murderers escaping from either party to be put to death or delivered up to the other.

5th. Fugitive servants to be returned.

This treaty rendered the cause of the Pequots hopeless, and secured the safety of the English.

It was in the main observed by the Narragansets. They allowed the colonial army to pass through their territories, and furnished five hundred men for the war.

Uncas, the chief of the Mohegans, had also been an ally of the English against the Pequots. After the destruction of this tribe, the three parties declared a peace, and the spoils of the war were divided between the allies. But the Narragansets and Mohegans were naturally enemies. The latter were of the Pequot race, and Uncas himself, having married the daughter of Sassacus, was but a revolted subject of that great chief. It is said that one of Uncas' dependent sachems attacked Miantonomo, who referred the matter to the English, and was told to take his own course. However this may be, he did take his own course, and invaded the Mohegan country with a thousand warriors. The fortunes of war were against him and he fell into the hands of Uncas. The victor now referred the fate of the victim to the English. They decided that the rules of war permitted, and the safety of Uncas required, the death of Miantonomo. They were careful, however, not to permit his execution within their jurisdiction. The colonies were responsible for the death of this chief. Uncas was nominally their ally, but really their subject. From first to last he did their bidding with a spirit so craven and a manner so treacherous that he was neither trusted nor respected by them. But the English in their death-warrant voluntarily offered to protect Uncas from the consequences of Miantonomo's death. This was in 1643, and thus did the English observe the treaty of peace made seven years before under circumstances of extraordinary solemnity. Miantonomo died the victim of rivalry, jealousy and fear, yet with a spirit so heroic that he scorned to ask the precious boon of life from those whom he had served rather than wronged. His death

was the seed of the war of 1675,—for how, under these circumstances, could Canonchet, his son and successor, be other than the enemy of the English, the ready and efficient ally of Philip.

But aside from particular incidents in the relations of the English to the Indians there were three ever-operating causes of hostility.

1st. The mutual disposition of the English and the Indians to traffic with each other. The colonies passed the most stringent laws for the suppression of this traffic, or to make it a monopoly in their own hands, and the government at home issued two or more proclamations. These laws and proclamations had no great practical value, and the Indians were constantly supplied with spirits, clothing, munitions and weapons of war, either by the English, French, or Dutch. Thus trade furnished an occasion for hostility, and the means of gratifying the spirit of war.

2d. There was a universal tendency in the people and governments of the colonies to acquire land.

There was, however, a settled purpose on the part of the company in England and the governments here to make this spirit conform to the principles of honor and justice. In the company's letter of instruction of April 17, 1629, Endicott and his Council were told that "If any of the savages pretend right of inheritance to all or any part of the lands granted in our patent, we pray you endeavor to purchase their title, that we may avoid the least scruple of intrusion." And in a second letter of the 28th of May following, the same injunction is imposed upon the settlers. Attempts were made to pursue the course pointed out by the company, and a penalty of five pounds per acre was imposed upon any person who should receive an Indian title without the consent of the government. Governor Winslow, in 1676, writes thus: "I think I can clearly say, that before the present trouble broke out, the

English did not possess one foot of land in this colony but what was fairly obtained by honest purchase of the Indian proprietors."

It is no doubt true that for the most part the lands were purchased, and, according to the idea of the English, honorably purchased, yet the natives could not fail to foresee the result of these cessions of territory. There were English settlements at Bridgewater, Middleboro', Taunton, Rehoboth, Seekonk, and Swanzey, all within the ancient jurisdiction of Massasoit. And as a perpetual monitor to Philip of his limited domains, though in obedience to a different and highly honorable motive, the people erected a fence quite across the neck of land on the south of Swanzey, and thus confined the Pokanokets by metes and bounds.

That Philip was annoyed by applications for land is evident from his letter, without date, addressed to Governor Prince of Plymouth:

"Philip would intreat that favor of you, and any of the magistrates, if any English or Indians speak about any land, he pray to give them no answer at all. This last summer he made that promise with you, that he would sell no land in seven years' time, for that he would have no English trouble him before that time. He has not forgot that you promise him."

The apostle Eliot, in a letter to the Massachusetts government, dated in 1684, asking that certain fraudulent purchases of the Indians might be annulled, puts this suggestive inquiry: "Was not a principal cause of the late war about encroachments on Philip's lands at Mount Hope?"

The third disturbing cause was the desire of our ancestors to convert the Indian chiefs and tribes to Christianity. This was a primary and chief object of the settlement of the country. Governor Craddock, in a letter of February, 1629, to Endicott and his Council, says: "You will demean yourselves

justly and courteous towards the Indians, thereby to draw them to affect our persons, and consequently our religion." And the Governor of Massachusetts colony by his oath was required to use his "best endeavor to draw on the natives of New England to the knowledge of the true God." The company in England also expressed the hope that the ministers who were sent out would, by faithful preaching, godly conversation and exemplary lives, in God's appointed time, reduce the Indians to the obedience of the Gospel of Christ. And there is no fact in the history of the colonists inconsistent with an earnest purpose to accomplish so desirable a result. But the most formidable and warlike of the Indian tribes resisted the introduction of Christianity, not on account of its doctrines,—these they never comprehended; but its acceptance was regarded by them as an acknowledgment of political inferiority. When Philip protests against the jurisdiction of the English, he thinks to establish his independence by asserting that he was never a praying Indian. It naturally happened that those Indians who embraced Christianity were more or less attached to the English, and soon assumed the position of dependent inferiors. They were consequently despised by such fierce spirits as swayed the Narraganset and Pokanoket tribes. But the English were instant in season and out of season in securing assent to their doctrines, though they must often have known that there was neither conviction of the head nor conversion of the heart. The colonists on some occasions even made a formal assent to the Christian faith a condition of alliance.

Although Uncas never received the Christian religion, his friendly relations with the English gave him an importance and power which were offensive to the neighboring tribes; and there is reason to suppose that a desire to humble him was an element of the war.

The attack upon the Pequots, whether necessary or not,

must have produced an unfavorable impression upon the neighboring tribes; but the death of Miantonomo was the cause of the undying hostility of the Narragansets, and made Canonchet the ready coadjutor of King Philip,— and without Canonchet Philip could never have been formidable to the English.

But passing by all the occasions or causes of war to which I have referred, we may presume from our knowledge of Philip's character, that he considered his personal injuries a sufficient ground for hostilities. Massasoit, his father, had been the firm friend but never the subject of the English. He was rather their protector, and the colonists ever manifested towards him the kindest feelings.

His son Alexander succeeded him. A suspicion was early entertained by the English that he was plotting with the Narragansets. He was summoned to appear at Plymouth, but he avoided the summons upon some pretence, which probably had no real foundation. The Governor of Plymouth with about ten men proceeded to compel his attendance. Alexander was then upon a hunting excursion with a small party of warriors. He was found in Middleboro', refreshing himself in a tent after the fatigues of the chase. His arms, having been left outside, were seized by the English. Some accounts state that Alexander went voluntarily towards Plymouth, others say that the Governor told him if he did not go he was a dead man. But all accounts agree that he was soon violently sick, and that the efforts to relieve him were unavailing. He was allowed to return home and was borne away upon the shoulders of his faithful warriors. Hubbard says, "Such was the pride and height of his spirit, that the very surprisal of him so raised his choler and indignation, that it put him into a fever, which, notwithstanding all possible means that could be used, seemed mortal." And so it proved.

Philip witnessed this unjust arrest of his brother, chief of a

proud and free race; he remembered his father's services and fidelity; he saw his people dispossessed of their hunting grounds, and an unknown religion zealously pressed upon them. To him there was in the present only humiliation and disgrace, in the future only ignominy and death. With this history and these gloomy anticipations of the future, Philip became the sachem of the Pokanokets. He had never been a favorite with the English, yet early in life they had named him Philip, and his brother Wamsutta, Alexander; a singular yet just appreciation of their high spirit and warlike character. The colonists justly regarded these young men as dangerous to the public peace, and there was never a moment of true friendship after the death of Massasoit.

The particular occasion of the war was the murder by Philip's agents of one Sassamon, an educated Indian, who had been his private secretary. Having in this confidential station obtained a knowledge of Philip's plans, he went to the English, by whom he had been educated, and probably disclosed his master's secrets. Philip secured his death, and of all who fell in fight or fray, or on the gallows swung, none deserved death before Sassamon. The comprehensive mind of Philip saw at once the terrible nature and probable consequences of the war thus brought upon him. It is said that he wept, and that from that time forth he never smiled. But he laid new sacrifices upon the altar of his people's liberty, invoked the spirit of his ancestors, and exhibited resources and courage worthy a heroic age.

He stood in a position of great and manifest peril. The English were superior in numbers, comparatively well equipped, and above all united. They had garrisoned towns to which they could fly. Philip's own tribe was comparatively weak, but he easily associated the Narragansets with him. But this combined force was inadequate to the emergency. He united many of the tribes of Massachusetts, New Hamp-



shire and Connecticut, and as far as possible animated them with his own unconquerable will. You may imagine him standing among the dark men of the forest and with a rugged yet burning eloquence reciting the history of their common wrongs, or with prophetic power lifting the veil from the shadowy, though not to him uncertain, future.

He was continually subject to great personal dangers. A price was set upon his head, the Christian Indians were allies of the English and continually employed against him, while above all Uncas and the Mohegans were his deadly enemies. Hunted by English and Indians, assailed by famine and treachery, weakened by death and desertion, his fate was inevitable. When his warriors had fallen in battle, been sold into slavery or corrupted by bribes, when his old men and women, and children had perished, when the fires of the enemy had laid in ashes the wigwams and villages of the Pokanokets and their allies, when to his race there was neither seed-time nor harvest, he came to the home of his ancestors, and there his troubled spirit, contrasting sadly in death as in life with the placid scenes of nature around, passed forever away. He fell by the hand of his own race,—

“Darkly, sternly, and all alone,  
A spoil—the richest and the last.”

Philip's son, a boy nine years of age, was sold into slavery, and the royal race of Massasoit was extinct.

As all our information of Carthage and the Punic wars has been transmitted by Roman authors, so our knowledge of Philip and the war of 1675-6, is derived from partial and in some instances prejudiced sources. Yet it is just to say that our ancestors made no concealment of the facts, although the comments of Mather and Hubbard are often strangely barbarous in spirit. And further, we may be certain that our Pilgrim Fathers were true to the light that was in them; and

that their memory will grow green with years and blossom through the flight of ages.

If to-day we have seen the bright side of Indian character contrasted with the few harsh features of the New England colonists, it is that this occasion, while it calls forth feelings of gratitude and reverence for the men and history of the Past may have somewhat of a practical value in the Present and the Future. The men of the forest have not disappeared entirely, though

“ They waste — they shrink away;  
And fast we follow, as they go  
Towards the setting day.”

And if in the Providence of God the race is soon to be extinct, let not injustice, oppression, or war, increase their woes or hasten their decay.

## XVIII

### LOUIS KOSSUTH \*

**W**HEN Louis Kossuth landed in New York, December 5, 1851, he was not an unknown personage. He and his native land had been made known to the people of the United States by the Revolution of 1848 and the contest of 1849 for the independence of Hungary. Until those events occurred, Hungary was only a marked spot on the map of Europe, and the name of Kossuth, as a leader in industrial and social progress, had not been written or spoken on this side of the Atlantic; but in the year 1851 there was no other person of a foreign race and language of whose name and career as much was known.

There was no exaggeration in Mr. Emerson's words of address to Kossuth: "You have got your story told in every palace, and log hut, and prairie camp throughout this continent."

From the first Kossuth recognized a special interest in the commonwealth of Massachusetts. This interest was due in part to the history of the State, from which he drew many lessons of instruction and much confidence that personal liberty and the independence and sovereignty of states would become universal possessions. Beyond these considerations the invitation to him from Massachusetts was made January 8, 1852,—among the first of the States of the Union.

In my annual address to the Legislature, delivered the 15th of January, I said: "Your action will be regarded as an expression of the sympathy of Massachusetts for the distin-

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guished exile, and for the cause of European liberty, which he so truly represents. The common sentiment of America is on the side of constitutional governments."

The resolutions of the Legislature and the letter of the Governor were presented to Kossuth at Pittsburg, Pa., January 26, by Hon. Erastus Hopkins, then a member of the House of Representatives.

Kossuth's first speech in New England was made at New Haven, Thursday, April 22. From what he there said some inferences may be drawn as to his religious opinions and the basis on which, to him, the principles of freedom seemed to rest :

"I know that there is one God in Heaven, the Father of all humanity, and Heaven is therefore one. I know that there is one sun in the sky, which gives light to all the world. As there is unity in God, and unity in the light, so is there unity in the principles of freedom."

Upon his arrival in Boston, April 27, 1852, I met him on the steps of the State House, greeting him with the following speech :

"Governor Kossuth: As the voice of the Legislature and people of Massachusetts, I welcome you to this capitol to-day.

"Your presence brings before us our own past, bitter in its experience, but glorious in its history. We once had apostles of liberty on whose heads a price was set, who were hunted by tyranny from their homes, and threatened with expulsion from civilized life. That day of oppression and anxiety with us is ended. It introduced a contest for human rights, whose results on this continent you have seen, in the extent, character and power of the American republic.

"The people of Massachusetts, inspired by their early history and animated by the impulses of their hearts, greet you as one who has nobly served and suffered in the cause of in-

dividual freedom and the rights of states. Nor will their admiration be limited by any consideration arising from the fate of your country, or the failure of the patriotic hopes with which it was inspired.

"Liberty can never die. The generations of men appear and pass away, but the principles and aspirations of their nature are immortal.

"Despotism is of time. It contains within itself the elements and the necessity of decay and death.

"Fifty years of your eventful life are past; but take courage, sir, in the belief that, in the providence of God, the moment is near when the light of freedom shall penetrate the darkness of European despotism. Then shall your own Hungary welcome you to her fields and mountains, to her homes and heart; and we will welcome Hungary to the family of republican, constitutional, sovereign states.

"In the name of the people, I tender to you the hospitalities of a commonwealth founded by Exiles and Pilgrims."

To this welcome to the capitol of Massachusetts, Kossuth replied as follows:

"I feel deeply sensible of the immense benefit which a happy and prosperous people has conferred upon an unfortunate people. Moments like the present can only be felt, not spoken. I feel a deep emotion, sir. I am not ashamed of it. Allow me to say that, in taking that hand, the hand of the people of Massachusetts, and having listened in your voice to the sentiments and feelings of the people of Massachusetts, I indeed cannot forbear to believe that humanity has arrived at a great turning point in its destinies, because such a sight was never yet seen on earth.

"Conquerors, triumphant and proud of success, confer honors and glory on a poor exile, having nothing to speak for him but his misfortunes.

"Sir, the spirit of liberty is lasting; liberty cannot die, because it has become the common sentiment of all humanity. The spirit of liberty takes itself wings,—you are happy to be the first-born son of that spirit; but we accept our condition just to be one of its martyrs; and I look with hope, I look with confidence, into the future, because that spirit which prepared for the poor exile the present day will be recorded in the records of history, and will mark the destiny of coming centuries. I cannot speak further. I am proud to have your hands in mine.

"And be sure, sir, and let your generous people be sure of it, that, whatever be our future destiny, we shall never, in our struggles and misfortunes and adversities, we shall never forget the generous Governor of Massachusetts, and the generous people of Massachusetts, and they shall never have reason to regret that we have been honored in this immense nation. God Almighty bless you, sir, and bless you all!

"I take these honors proudly, because I take them not for myself, but in the name of my people, in whose name I express my most humble, my eternal thanks."

Kossuth's visit to New England was confined, I think, to the States of Massachusetts and Connecticut. He spoke at Hartford, at Springfield, Northampton, Worcester, Lynn, Salem, Lowell, Fall River, Plymouth, Lexington and Concord, received everywhere by enormous crowds, and rousing everywhere an unexampled enthusiasm.

During his stay in Massachusetts he was introduced to audiences by distinguished men, some of whom had achieved no inconsiderable reputation as orators, and in most instances they were stimulated and advanced rather than dwarfed by the presence of one whose powers were far above the reach of ordinary speakers. Of these it is not invidious to mention Emerson, Banks, Burlingame, Hopkins and Kellogg.

Of the many who spoke in the presence of Kossuth there was no one whose words were more acceptable than were those of the venerable Josiah Quincy. He was then eighty years of age. At the banquet in Faneuil Hall he made a ten minutes' speech that glowed with the fire of youth. Its spirit can be exhibited in a quotation of two short sentences: "Age chills the feelings, and renders the heart cold; but I have still feeling enough left to say to the hero of the Old World, Welcome to the liberty of the New! I can say to the hero of Hungarian liberty, Welcome to the peace and happiness of our western home." At the commencement of his speech Kossuth said: "Before all, let me express a word of veneration and thanks to that venerable gentleman" (pointing to Mr. Quincy). "Sir, I believe when you spoke of age cooling the hearts of men, you spoke the truth in respect to ordinary men, but you did yourself injustice. The common excitement and warm blood of youth pass away; but the heart of the wise man, the older it grows the warmer it feels." It is difficult to imagine a more graceful impromptu recognition of words of praise.

Kossuth's speech at Bunker Hill, more than his other speeches in New England, bears marks of its Oriental origin. Pointing to the monument he said: "My voice shrinks from the task to mingle with the awful pathos of that majestic orator. Silent like the grave, and yet melodious like the song of immortality upon the lips of cherubim, . . . and thus it speaks: 'The day I commemorate is the rod with which the hand of the Lord has opened the well of liberty. Its waters will flow; every new drop of martyr blood will increase the tide. Despots may dam its flood, but never stop it. The higher its dam the higher the tide; it will overflow or break through. Bow, and adore, and hope.' " In the course of his remarks he mentioned Gridley, Pollard, Knowlton and Warren, but he appears not to have heard of Putnam and Prescott.

At Lexington he said he was inclined to smile at the con-

troversy with Concord, declaring that it was immaterial whether the fire of the British was first returned at Lexington or Concord; that it was immaterial whether those who fell at Lexington were "butchered martyrs, or victims of a battlefield."

Kossuth was presented to Amariah Preston, aged ninety-four years, and to Abijah Harrington, aged ninety-one years, veterans of the Revolutionary War, and to Jonathan Harrington, then ninety-four years of age, and the only survivor in Lexington of the action of April 19, 1775.

At Concord, Emerson said to the exile: "There is nothing accidental in your attitude. We have seen that you are organically in that cause you plead. The man of freedom, you are also the man of fate. You do not elect, but you are elected by God and your genius to your task. We do not, therefore, affect to thank you."

In his reply Kossuth appealed to Emerson to give to him and to his cause the aid of his philosophical analysis, and to impress the conviction upon the public mind that the Revolution, of which Concord was the preface, was full of a higher destiny,—of a destiny as broad as the world, as broad as humanity itself.

In that speech he anticipated Matthew Arnold in the remark, "One thing I may own, that it is, indeed, true, everything good has yet been in the minority; still mankind went on, and is going on to that destiny the Almighty designed, when all good will not be confined to the minority, but will prevail amongst all mankind." His speech at Concord was not of his best, and there are indications that his estimate of Emerson's supremacy as a philosopher and thinker subjected him to a degree of restraint which he could not overcome.

Only once, as far as I know, did Kossuth speak of himself, except as the chosen and legitimate representative of down-trodden Hungary, and that was in his parting speech in



Faneuil Hall, May 14, 1852: "Some take me here for a visionary. Curious, indeed, if that man who, a poor son of the people, has abolished an aristocracy of a thousand years old, created a treasury of millions out of nothing, an army out of nothing, and directed a revolution so as to fix the attention of the whole world upon Hungary, and has beaten the old, well-provided power of Austria, and crushed its future by his very fall, and forsaken, abandoned, alone, sustained a struggle against two empires, and made himself in his very exile feared by czars and emperors, and trusted by foreign nations as well as his own,—if that man be a visionary therefor, so much pride I may be excused, that I would like to look face to face into the eyes of a practical man on earth."

In closing so much of my review of Kossuth's sojourn in Massachusetts as relates to the incidents of his visit to Boston and the neighboring cities and towns, I may be permitted to devote a few lines to my acquaintance with him. To my position as Governor of the State, to the paragraph in my address to the Legislature, to my letter of invitation, and to my speech of welcome from the steps of the State House, he gave much more consideration than was deserved; and on many occasions I received evidences of his friendship and confidence.

I class Kossuth among the small number of great men, whether he be classed among orators, philosophers, students of history and government, or as an advocate of the largest range of individual freedom that is consistent with the good order of society.

The great orators have appeared and the great orations have been delivered in revolutionary periods; and this has been illustrated most strikingly when states have been menaced by the fear of transition from a constitution of freedom to a government of tyranny. Of the great orations of this class, the most significant are the orations of Demosthenes in behalf of

the imperiled liberties of Greece, and the orations of Cicero in defence of his character and of his conduct in the public service, and in denunciation of the crimes by which the Republic of Rome was transformed into the Empire of the Cæsars. In modern times attention may be directed to the speech of James Otis on the Writs of Assistance, to Burke's speech on Conciliation with America, to Fisher Ames' speech on the Jay Treaty, and to Webster's speech on Nullification.

In all these speeches, the ancient and modern alike, with the exception of the speech of Fisher Ames, the inspiring, the controlling sentiment is the sentiment of patriotism,— the claim to continued independence and sovereignty in an existing nation, and the claim to independence and sovereignty on the part of an aspiring people. Burke was animated by a sense of patriotic duty to Britain and by a sense of justice to her colonies in America. Fisher Ames' argumentative speech was an appeal to the sense of justice in the House of Representatives.

Of the speeches to which reference has been made, it is to be said that the circumstances in which they had their origin were local, although they may have embraced the affairs of an empire. In the main, the considerations advanced were temporary in their relations to the affairs of mankind. In its very nature patriotism is local, and the considerations by which the sentiment is stimulated relate usually to the conditions and events in the country where the sentiment is evolved. Moreover, a manifestation of the sentiment of patriotism in one people is accompanied usually with a degree of hostility to some other community or nation, and in its excesses it often fosters a disregard for the just rights of others. Nor is the sentiment or sense of justice usually universal in its application. As it is manifested in individuals and communities, it too often embodies a degree of selfishness, from which neither states nor individuals are exempt.

In like manner the words "freedom" and "liberty," in their application, have been limited to classes and castes, and to individual communities and states. The earliest and best expression of the universality of the idea of liberty belongs to America, but in America even its practical realization is a recent event. Previous to the nineteenth century, America was the only land in which it was possible to found a state freed from the domination of the church, or to establish a church freed from the domination of the state; and in one half of the American continent this degree of freedom does not exist even now, when we approach the twentieth century.

Of the great orators of the world, it was Louis Kossuth who first gave to the word "liberty" the largest possible signification. Burke approached the idea, but he seemed not to comprehend its universality. In his oration on Conciliation with America he said: "In Virginia and the Carolinas they have a vast multitude of slaves. When this is the case in any part of the world, those who are free are by far the most proud and jealous of their freedom. Freedom is to them not only an enjoyment, but a kind of rank and privilege. Not seeing, then, that freedom as in countries where it is a common blessing, and as broad and general as the air, may be united with much abject misery, with all the exterior of servitude, liberty looks among them like something that is more noble and liberal."

Although Burke speaks of countries where freedom was a common blessing, it is apparent that the expression was a figure of speech rather than a statement of existing facts. Kossuth came to the Western World, not as the exponent merely of the sufferings and wrongs endured by the people of Hungary, but he announced and advocated boldly the most advanced theories of individual and national freedom, and of the mutuality of the obligations resting upon states.

Of the many speeches made by Kossuth in the United States, precedence may be given to his speech in Faneuil Hall,

April 29, 1852. In that speech he announced in all its fulness his comprehensive idea of liberty: "Cradle of American Liberty! it is a great name; but there is something in it which saddens my heart. You should not say *American liberty*. You should say *Liberty in America*. Liberty should not be either American or European,—it should be just *liberty*. God is God. He is neither America's God nor Europe's God; he is God. So should liberty be. 'American liberty' has much the sound as if you would say 'American privilege.' And there is the rub. Look to history, and when your heart saddens at the fact that liberty never yet was lasting in any corner of the world, and in any age, you will find the key of it in the gloomy truth that all who were yet free regarded liberty as their privilege, instead of regarding it as a principle. The nature of every privilege is exclusiveness, that of a principle is communicative. Liberty is a principle,—its community is its security,—exclusiveness is its doom. What is aristocracy? It is exclusive liberty; it is privilege; and aristocracy is doomed, because it is contrary to the destiny and welfare of man. Aristocracy should vanish, not *in* the nations, but also from *amongst* the nations. So long as that is not done, liberty will nowhere be lasting on earth. . . . A privilege never can be lasting. Liberty restricted to one nation never can be sure. You may say, 'We are the prophets of God'; but you shall not say, 'God is only *our* God.' The Jews have said so, and the pride of Jerusalem lies in the dust."

Through all his speeches the thought of the universality of liberty, and the doctrine that there is a community in man's destiny, can be discerned. His later speeches, and especially his speeches made after his tour through the South, indicate a loss of confidence in the disposition of the country to give substantial aid to the cause of Hungary, and thenceforward the loss of hope was apparent in his conversation and speeches. Indeed, before he left the country, his thoughts were directed

most largely to the care of his mother, wife and sisters, who, like himself, were exiles and destitute of the means of subsistence. It is not probable that he anticipated at any time any other assistance than that which might follow an official announcement by the national authorities of an opinion adverse to interference by any state in the affairs of other states. His visit to Washington satisfied him that no such expression of opinion would be made by Congress, or by the administration of President Fillmore.

On the thirtieth day of April, 1852, Kossuth closed a speech in Faneuil Hall, which had occupied two hours and a half in its delivery, with these words: "I cannot better express my thanks than to pledge my word, relying, as I have said on another occasion of deep interest, upon the justice of our cause, the blessing of God, iron wills, stout arms and good swords, and upon your generous sympathy, to do all in my power with my people, for my country, and for humanity." Thus, as he approached the end of his career in America, he abandoned all thought of securing active interference, or, indeed, of official support in behalf of Hungary, whatever might have been his hopes when he landed in the United States.

During the period of Kossuth's visit, from December, 1851, to June, 1852, the attention of the country was directed to the approaching Presidential election, and in public speeches and in conversations he attributed his failure to secure the indorsement of Congress and of legislative assemblies to that circumstance. In his first speech in Faneuil Hall he said, "Would it had been possible for me to have come to America either before that contest was engaged, or after it will be decided! I came, unhappily, in a bad hour." That Kossuth attributed too much importance to that circumstance, there can be no doubt. Other, deeper-seated and more adverse causes were at work. The advice and instructions of Washington as to the danger of entangling foreign alliances were accepted

as authority by many, and as binding traditions by all. Consequently, there was not, and could not have been, any time in the century when his appeal would have been answered by an aggressive step, or even by an official declaration in behalf of his cause.

Co-operating with this general tendency of public opinion, there existed a latent sentiment in the slave States and everywhere among the adherents and defenders of slavery that the mission of Kossuth was a menace to that peculiar institution. Of this fact he was convinced by his visit to Washington and his brief tour in the slave States. At Worcester a man in the crowd had shouted, "We worship not the man, but we worship the principle." The slave-holders were interested in the man, but they feared his principles; and well they might fear his principles for he was the avowed enemy of all castes and all artificial distinctions among men. Hence it was that he was avoided by the leaders of the Democratic Party, and hence it was that his special friends and supporters were Abolitionists, Free-soilers and Anti-slavery Democrats.

This condition of public opinion and of party division was reached as early as the twenty-ninth day of April, when Kossuth said: "Many a man has told me that if I had not fallen into the hands of the Abolitionists and Free-soilers, he would have supported me; and had I landed somewhere in the South, instead of New York, I would have met quite different things from that quarter; but being supported by the Free-soilers, of course I must be opposed by the South." All this was error. If Kossuth had been spurned by the Abolitionists and Free-soilers, he would not have been accepted by the South; for there was not a *quadrennium* from 1832 to 1860 when that section would have contributed to the election of Thomas Jefferson to the Presidency with the weight of the Declaration of Independence upon his shoulders, as it came from his pen, had he been in existence and eligible to the office.

Support of Kossuth, by aggressive action or by official declarations against Austria and Russia, was an impossibility for the country; and an open avowal of sympathy with his opinions and principles was an impossibility for the South or for the Democratic Party.

Henceforward Kossuth's hopes were limited to pecuniary aid for himself and his family and friends, and to expressions of sympathy for his downtrodden country by individuals, by voluntary associations, and by municipalities. All his speeches after his visit to Washington were laden with one thought, viz., the duty of all free countries to resist the spread of absolutism. Pre-eminently this duty was upon America. "Republican America," said he, "and all-overwhelming Russian absolutism cannot much longer subsist together on earth. Russia active,—America passive,—there is an immense danger in the fact; it is like the avalanche in the Alps, which the noise of a bird's wing may move and thrust down with irresistible force, growing every moment."

He quoted the declaration which the elder Cato made whenever he spoke, whether in private or in public: "However, my opinion is that Carthage must be destroyed." Imitating the language and spirit of Cato, Kossuth said: "However, the law of nations should be maintained, and absolutism not permitted to become permanent."

That he exaggerated the scope of what is called the law of nations there can be no doubt. Beyond a few points, such as the recognized rule in regard to piracy, the law of nations is very indefinite, and most certainly it has but little relation, if indeed it can be said justly to have any relation, to what he called "absolutism." Moreover, it is very doubtful whether any interference by one nation in the affairs of another nation, in whatever considerate way such interference might be presented, could produce aught but evil, in arousing the passions of jealousy and hostility. Had England and the United

States tendered any advice even in the affairs of Austria, Hungary and Russia, such advice would have been rejected by the nations, and indignities would have been heaped upon the officious parties. All that part of Kossuth's mission to England and the United States was hopeless from the beginning, and it seems to be an impeachment of his wisdom to assume that he ever entertained the thought that either country could or would make the cause of Hungary its own, whatever might be the general or official opinion as to the justice of the contest that Hungary had carried on.

His speeches and his private conversations justify the inference that he had a hope that in some way the influence of England and the United States might be exerted effectually in behalf of Hungary, and that through that influence the activity of Russia might be arrested. Although he looked to France for aid to the cause of Hungary, he regarded the *coup d'état* of Napoleon as an adverse event,—as a step and an important step in the direction of “absolutism.” On one occasion he said: “Look how French Napoleonic papers frown indignantly at the idea that the Congress of the United States dared to honor my humble self, declaring those honors to be not only offensive to Austria, but to all the European powers.”

Mr. Webster delivered a speech in Boston in the month of November, 1849, when it was apprehended that Russia might assume the task of demanding of Turkey the surrender of Kossuth and others, and of executing them for crimes against Austria. On that occasion Mr. Webster claimed that the Emperor of Russia was “bound by the law of nations”; and to that declaration Kossuth often referred. The full text of Mr. Webster's speech leaves upon the mind the impression that what he then called “the law of nations” was only that general judgment of the civilized nations before which the Czar of Russia “would stand as a criminal and malefactor in the view



of the public law of the world." Having this declaration in mind, Kossuth said: "It was a beautiful word of a distinguished son of Massachusetts (Mr. Webster), which I like to repeat, that every nation has precisely the same interest in international law that a private individual has in the laws of his country." Mr. Webster's speech did not justify the inference which Kossuth drew from it; but the speech itself was much less reserved than that which Mr. Webster delivered in 1852, when he held the office of Secretary of State, and spoke for the administration, at a banquet given in the city of Washington in Kossuth's honor.

When Kossuth had abandoned the hope, which his intense interest in the fate of his country had inspired, that the United States might act in behalf of Hungary, he yet returned again and again to the subject. On one occasion he said: "I take it for an axiom that there exist interests common to every nation comprised within the boundaries of the same civilization. I take it equally for certain that among these common interests none is of higher importance than the principles of international law." Nor did he hesitate to say that our indifference to the spread of "absolutism" would be attended with serious and grievous consequences: "To look indifferently at these encroachments is as much as a spontaneous abdication of the position of a power on earth. And that position abandoned, is independence abandoned." He declared that neutrality did "not involve the principles of indifferentism to the violation of the law of nations"; and he attempted to stimulate the national pride by the declaration that neutrality was the necessity of weak states, like Belgium and Switzerland, whose neutrality was due to the rivalry of other powers, and not to their own will.

These appeals were in vain, although they were made in language most attractive, and although the sympathies of the people were sincere and active in behalf of Hungary. His

mission was a failure, inasmuch as neither by argument, by eloquence, nor by sympathy was he able to secure an official declaration or promise of a purpose in the national authorities to interfere in the affairs of Continental Europe. Kossuth's personal wants and the necessities of his family and friends were met by the sale of Hungarian bonds and by voluntary contributions; but no substantial aid was given to Hungary in its contest with Austria and Russia.

In his many speeches Kossuth set forth his views upon national and international topics with freedom, and often with great wisdom. Said he on one occasion: "I take political economy for a science not exactly like mathematics. It is quite a practical thing, depending upon circumstances; but in certain proceedings a negative principle exists. In political economy it is not good for the people that a prohibitory system be adopted. Protection may sometimes be of service to a nation, but prohibition never." Thus did he qualify the claim of authors and students, who assert that political economy deserves rank among the sciences, whether exact or speculative, and thus did he recognize the protective theory as adapted to the condition of states while in the transition period in the development of the higher industries.

It was a favorite thought with Kossuth that England would become republican, and that the United States and republican England could lead the world in civilization and in the work and duty of elevating the masses. His influence in Hungary had been due, in a large measure, to his active agency in the work of establishing associations for the advancement of agriculture, public education, commerce, and the mechanic arts. He deprecated the opposition of the Irish in America to any and every form of alliance with England, and he did not hesitate to condemn the demand of O'Connell for the repeal of the union between England and Ireland. Said he: "If I could contribute one line more to the future unity in

action of the United States and England, I should more aid the Irish than by all exclamations against one or the other. With the United States and England in union, the Continent of Europe would be republican. Then, though England remained monarchical, Ireland would be more free than it is now."

It is a singular incident in Kossuth's history, in connection with Irish affairs, that in one of his speeches he foreshadowed Gladstone's Home Rule policy,— but upon the basis of a legislative assembly for each of the three principal countries, England, Scotland and Ireland. Thus did he indicate a public policy for Great Britain that has been accepted in part by the present government,— a policy that is to be accepted by the English nation and upon the broad basis laid down by a foreigner and sojourner, who had had only limited means for observation.

"If I were an Irishman, I would not have raised the standard of repeal, which offended the people of England, but the standard of municipal self-government against parliamentary omnipotence; not as an Irish question, but as a common question to all; and in this movement all the people of England and Scotland would have joined, and there now would have been a Parliament in England, in Ireland and Scotland. Such is the geographical position of Great Britain that its countries should be, not one, but united, each with its own parliament, but still one parliament for all."

Although forty years have passed without the fulfillment of Kossuth's prophetic declaration of a public policy, its realization is not only possible, but probable. To the American mind, with our experience and traditions, such a solution of the Irish question seems easy, practicable, safe. We have States larger than Ireland, States smaller than Ireland, in which the doctrine of self-government finds a practical application. Not free from evils, not free from maladministration; but if

our States are judged at half-century intervals, it will appear that they are moving with regular and certain steps towards better conditions. There is not one American State in which the condition of the people in matters of education, in personal and public morals, in industrial intelligence, in wealth and in the means of further improvement, has not been advanced, essentially, in the last fifty years. If all the apprehensions touching the evils and dangers of self-government in Ireland were well founded, there is an assurance in our experience that the people themselves would discover and apply an adequate remedy.

Kossuth was an orator; and every orator is of necessity something of a prophet. He is more than a historian who deals only with the past, illustrated with reflections, called philosophical, concerning the events of the past. With the orator those events are recalled and reviewed for encouragement or warning. The eye of the orator is turned to the future. The peroration of Mr. Webster's speech in reply to Hayne contains a prophetic description of the Civil War as it was experienced by the succeeding generation. Fisher Ames' bold prediction as to the disposition of convicts to found and to maintain good government has been realized in the history of Van Diemen's Land. Said Ames: "If there could be a resurrection from the foot of the gallows, if the victims of justice could live again, collect together, and form a society, they would, however loath, soon find themselves obliged to make justice—that justice under which they fell—the fundamental law of their state."

Nor did the spirit of prophecy desert Kossuth, in regard to Louis Napoleon. In 1852 he said: "The fall of Louis Napoleon, though old monarchical elements should unite to throw him up, can have no other issue than a republic,—a republic more faithful to the community of freedom in Europe than all the former revolutions have been."

He seemed also to foresee the unity of Italy, although he overestimated the tendency there towards republican institutions. He declared that Austria studded the peninsula of Italy with bayonets, and that she was able to send her armies to Italy because Russia guarded her eastern frontier. His residence in Italy for a third of a century was due to his admiration for the history of the Italian peoples, and his belief in the capacity of the Italian races for the business of government. "The spirit of republican liberty, the warlike genius of ancient Rome, were never extinguished between the Alps and the Faro." He declared that every stain upon the honor of Italy was connected with foreign rule, and that the petty tyrants of Italy had been kept on their tottering thrones through the intervention of Austria, Germany and France.

At the end he placed the responsibility for the domination of absolutism upon the Continent of Europe to the intervention of Russia and to her recognized supremacy in war. He appreciated the fact that Russia in coalition with Austria or Germany or France was more than the equal of the residue of the Continent, whether combined for offensive or defensive operations.

In the many speeches which Kossuth made in the United States, he endeavored to impress upon his hearers the conviction that the absolutism, under which Europe was then groaning, would extend to America. This view made a slight impression only. To the common mind the ocean and the distance seemed a sufficient protection. In the lifetime of Kossuth, absolutism, both in church and state, has lost much of power on the Continent of Europe, while in America it has no abiding place.

Kossuth did not err in his opinion as to the policy of Russia in European affairs; but that policy never extended to America, even in thought. Of that policy Kossuth said: "It is already long ago that Czar Alexander of Russia declared that

henceforth governments should have no particular policy, but only a common one, the policy of safety to all governments; as if governments were the aim for which the nations exist, and not nations the aim for which governments exist."

*Boston May. 18<sup>th</sup> 1852*

*Govern. Boutwell Exc.*

*Dear Sir!*

*Such a sudden illness came last evening over me, that fainting as I was, I could not leave my room.*

*May Your Exc. therefore be pleased kindly to accept this my farewell. It is a sad word, but it must be said, I say it with the assurance that whatever be my fate, Massachusetts and its high-minded Governor I will always remember with deep respect, sincere affection and warm gratitude.*

*Let me hope Honored Sir! that you will continue to protect and to support my poor Country's Cause.*

*Please to communicate to the Legislature and to the members of the Executive Council my most humble thanks.*

*God the Almighty bless you & challenge! Remember the poor exile.*

*With the highest regards, and lasting gratitude*

*Yours Excellency*

*most obed. servant*

*L. Kossuth*

FAC-SIMILE OF KOSSUTH'S LETTER OF THANKS.

Finally, he came to look upon Russia as the master of all Europe, and he sought to impress upon his hearers in Amer-

ica the opinion that the time would come when Russia would seek for mastery in the affairs of this continent. This apprehension on his part was not accepted by any class of his hearers and followers, and the cession of Alaska must have quieted the apprehension which had taken possession of Kossuth's mind.

In passing from so much of Kossuth's career in America as relates to his public policy and to his views upon public questions, it can be said that he entertained the broadest ideas of personal liberty and of the independence and sovereignty of states, coupled with an obligation binding all states to protect each and every state from the aggressive action of any other state.

It was his hope that England and the United States would unite, and by counsel, if not by active intervention, check, and in the end control, Russia in its manifest purpose to dominate over the Continent of Europe. This hope has not been realized. In no instance have the United States and England co-operated for the protection of any other state, and the influence of Russia on the Continent of Europe was never greater than it now is. Manifestly, England is the only obstacle to the domination of Russia over the Bosphorus.

In these forty years, Hungary has gained as a component part of the Austrian Empire, but, in the ratio of the augmentation of its power, the tendency to independence and to a republican form of government has diminished. The demonstrations that followed Kossuth's death are evidence, however, that his teachings have affected the student classes in Hungary, and it is possible that those teachings are destined to work changes in Hungary and Italy in favor of republican institutions.

Kossuth's teachings were in harmony with the best ideas that have been accepted in regard to state policy, international relations, and individual rights; but he was in advance of his

own age and in advance of this age. For Europe he was an unpractical statesman, and in America he demanded what could not be granted. It does not follow, however, that his labors were in vain. He aroused the American mind to a higher sense of the power and dignity of the American nation, and he set forth the influence that England and the United States might exert in the affairs of the world whenever they should co-operate in an international public policy. He maintained the cause of universal liberty. At West Cambridge Kossuth said: "Liberty was not granted to your forefathers as a selfish boon; your destiny is not completed till, by the aid and influence of America, the oppressed nations are regenerated and made free."

These words were not wholly visionary, and in these forty years since they were uttered some progress has been made. The empires of Brazil and France have been transformed into republics, slavery has been abolished in North and South America, the weak states of Italy have been united in one government, the German Empire has been created, and all in the direction of popular liberty and with manifest preparation for the republican form of government. Nor can it be said justly that there has been a retrograde movement in any part of the world. These changes would have come to pass without Kossuth; but it is to his credit that his teachings were coincident with the trend of events, and they may have contributed to the accomplished results.

In 1849 Mr. Webster compared Kossuth to Wycliffe, by the quotation of the lines:

"The Avon to the Severn runs,  
The Severn to the sea;  
And Wycliffe's dust shall spread abroad,  
Wide as the waters be."

It is not easy to form an opinion of Kossuth's place as an orator, when considered in comparison or in contrast with



other orators. He had but one central theme, the cause of Hungary, and on that theme he spoke many hundred times, and never with any offensive or tedious repetitions. In Massachusetts alone he delivered thirty-four speeches and orations, and it may be said that all of them were carefully prepared, and most of them were reduced to writing. His topics were the wrongs inflicted upon Hungary, the sufferings endured by his country, the dominating and dangerous influence of Russia in the affairs of Europe, the duty of England and America to resist that influence, the mission of the government and people of the United States to labor for the extension of free institutions and the blessings of liberty to the less favored nations of the world,—all made attractive by references to general, local and personal histories. As one test, and a very important test, of the presence of unusual power, it can be said that no other orator ever made so many acceptable addresses upon allied topics.

His cause did much for him. For him and for his country there was deep-seated and universal sympathy. In his case, with unimportant exceptions, there were no prejudices, or passions, or principles, or traditions, to be overcome. Our history, whether as exiles, as revolutionists, or as pioneers in the cause of freedom, contributed materially to the success of his orations and speeches. All who heard him were astonished at the knowledge of our history, both local and general, which he exhibited. When he came to the old Hancock House in Boston, he mentioned the fact without waiting for information, so carefully had he studied the features of the city in advance of his visit. There were three persons in his suite who devoted themselves to the preparation of his speeches,—Gen. Klapka, Count Pulszky and Madame Pulszky. Their knowledge of Kossuth's mind was such that they were able to mark the passages in local histories and biographies that would be useful to him in his addresses. Those of his

speeches which were prepared were written by these assistants, to whom he dictated the text. By their aid he was able to prepare his speeches with a celerity that was incomprehensible to the Western mind.

His first speech in Boston was delivered the twenty-seventh day of April, 1852, the day that he completed his fiftieth year. When in private conversation I spoke of the circumstance that it was my good fortune to welcome him to the State on that anniversary, he said: "Yes, it is a marked day; but unless my poor country is saved I shall soon wither away and die."

His voice, whether in public speech or in private conversation, commanded sympathy by its tones, even when his words were not comprehended. In his oratory there was exaggeration in statement, a characteristic that is common to orators, but not more strongly marked in the speeches of Kossuth than in the speeches of those with whom he might be compared.

His powers of imagination were not extraordinary, and of word painting he has not left a single striking example,—not one passage that can be used for recitation or declamation in the schools. His cause was too pressing, his manner of life was too serious, for any indulgences in speech. In every speech he had an object in view; and even when he was without hope for Hungary in the near future, he yet announced and advocated doctrines and truths on which he relied for the political regeneration of Europe. He spoke to propositions,—clearly, concisely, convincingly.

In one oratorical art Kossuth was an adept; he deprecated all honors to himself, and with great tact he transferred them to his country and to the cause that he represented:

"As to me, indeed, it would be curious if the names of the great men who invented the plough and the alphabet, who changed the corn into flour and the flour into bread, should be forgotten, and my name remembered."

“But if in your expectations I should become a screen to divert, for a single moment, your attention from my country’s cause and attract it to myself, I entreat you, even here, to forget me, and bestow all your attention and your generous sympathy upon the cause of my downtrodden fatherland.”

Kossuth gave rise to just criticism in that he appealed too often and too elaborately to the local and national pride of his audiences. This criticism was applicable to his speeches in England and in America.

In every attempt to fix Kossuth’s place in the list of historical orators,—and in that list he must have a conspicuous place,—certain considerations cannot be disregarded, viz. :

First, he spoke to England and America in a language that he acquired when he had already passed the middle period of life. The weight of this impediment he felt when he said, “Spirit of American eloquence, frown not at my boldness that I dare abuse Shakespeare’s language in Faneuil Hall.”

Second, we are to consider the amount of work performed in a brief period of time, and the conditions under which it was performed. Between the twenty-fifth day of April and the fourteenth day of May, 1852, Kossuth delivered thirty speeches in Massachusetts, containing, on an average, more than two thousand words in each speech, and not a sentence inappropriate to the occasion. These speeches were prepared and written in the intervals between the ceremonial proceedings, which occurred as often as every day.

Third, though his theme had many aspects, and these varying aspects Kossuth presented with such skill as to command the attention of his hearers, yet his theme was always the same,—the wrongs of Hungary.

On the twentieth, the twenty-fourth and the twenty-fifth days of May, 1859, Kossuth delivered speeches in London, Manchester, and Bradford, England. The Lord Mayor presided at the meeting in London, and the meetings one and all

were designed to aid the Liberal Party in the then pending general election. Kossuth's visit to England and the purpose of the visit were due to an arrangement with the Emperor Napoleon, from which Kossuth was led to expect the liberation of Hungary from the grasp of Austria as one of the essential purposes of the war in which France and Austria were engaged. As the result of an interview with the Emperor on the night of the 5th of May, Kossuth visited England in aid of the Liberal Party, and in the belief that the accession of that party to power would secure the neutrality of that country. Hence the wisdom and the duty of neutrality were the topics to which Kossuth devoted himself during his short stay in England. The Liberal Party triumphed, but the triumph was brief, and the disposition of the new ministry was not tested.

Kossuth's speeches of 1859 at the London Tavern, at a meeting presided over by the Lord Mayor, and at Manchester and at Bradford, present him at his best. He had received a pledge from Napoleon that if he could secure the neutrality of England, and would organize a Hungarian legion for service in the war with Austria, the liberation of Hungary should be regarded as a necessary condition of peace. Such, at least, was the interpretation which Kossuth put upon these words of the Emperor, spoken at the midnight meeting of May 5, 1859: "We beg you to proceed forthwith with your scheme; and be convinced that in securing the neutrality of England you will have removed the greatest obstacle that stands in the way of the realization of your patriotic hopes."

In a preliminary conversation with Prince Napoleon, held at the instance of the Emperor, Kossuth had stipulated that the Emperor should publish a proclamation to the Hungarian nation, announcing his confederation with the Hungarians as their friend and ally, and for the purpose of carrying into effect the Declaration of Independence of 1849. The obliga-

tions assumed by Kossuth were faithfully performed. General Klapka organized a legion in Italy of four thousand Hungarians. The overthrow of the Tory Party in England, which Kossuth had predicted and promised, was achieved, and thus the neutrality of Great Britain was secured.

Kossuth's speeches in England were delivered under the influence of the highest incentives by which an orator and patriot could be moved. With the utmost confidence in his ability to perform what he had promised, he had pledged his honor for the neutrality of England. As he then believed, the fate of Hungary was staked upon the fulfilment of that pledge. Hence it came to pass that his speeches in England in May, 1859, were on a higher plane than the speeches that he delivered in the years 1851 and 1852. At the former period he had no hope of immediate relief for Hungary; in 1859 he imagined that the day of the deliverance of his country was at hand, and that the neutrality of England was a prerequisite, or at least a coincident condition.

It is not too much to say that the following extract from his speech in the London Tavern justifies every claim that has been made in behalf of Kossuth as a patriot and an orator :

“ The history of Italy during the last forty years is nothing but a record of groans, of evergrowing hatred and discontent, of ever-recurring commotions, conspiracies, revolts and revolutions, of scaffolds soaked in the blood of patriots, of the horrors of Spielberg and Mantua, and of the chafing anger with which the words, ‘ Out with the Austrians,’ tremble on the lips of every Italian. These forty years are recorded in history as a standing protest against those impious treaties. The robbed have all the time loudly protested, by words, deeds, sufferings, and sacrifice of their lives, against the compact of the robbers. Yet, forsooth, we are still told that the treaties of 1815 are inviolable. Why, I have heard it reported that

England rang with a merry peal when the stern inward judge, conscience, led the hand of Castlereagh to suicide; and shall we, in 1859, be offered the sight of England plunging into the incalculable calamities of a great war for no better purpose than to uphold the accursed work of the Castlereaghs, and from no better motive than to keep the House of Austria safe?

“Inviolable treaties, indeed. Why, my lord, the forty-four years that have since passed have riddled those treaties like a sieve. The Bourbons, whom they restored to the throne of France, have vanished, and the Bonapartes, whom they proscribed, occupy the place of the Bourbons on the throne of France. And how many changes have not been made in the state of Europe, in spite of those ‘inviolable treaties’? Two of these changes — the transformation of Switzerland from a confederation of states into a confederated state, and the independence of Belgium — have been accomplished to the profit of liberty. But for the rest, the distinctive features through which those treaties have passed is this, that every poor plant of freedom which they had spared has been uprooted by the unsparing hand of despotism. From the republic of Cracow, poor remnant of Poland, swallowed by Austria, down to the freedom of the press guaranteed to Germany, but reduced to such a condition that, in the native land of Guttenberg, not one square yard of soil is left to set a free press upon, everything that was not evil in those inviolable treaties has been trampled down, to the profit of despotism, of concordats, of Jesuits, and of benighting darkness. And all these violations of the inviolable treaties were accomplished without England’s once shaking her mighty trident to forbid them. And shall it be recorded in history that when the question is how to drive Austria from Italy, when the natural logic of this undertaking might present my own native country with a chance for that deliverance to which England bade God-speed with a mighty outcry of sympathy rolling like thunder from John O’Groat’s

to Land's End,—that deliverance for which prayers have ascended, and are ascending still, to the Father of mankind from millions of British hearts,—shall it be recorded in history that at such a time, that under such circumstances, England plunged into the horrors and calamities of war, nay, that she took upon herself to make this war prolonged and universal, for the mere purpose of upholding the inviolability of those rotten treaties in favor of Austria, good for nothing on earth except to spread darkness and to perpetuate servitude?

“ There you have that Austria in Piedmont carrying on war in a manner that recalls to memory the horrors of the long gone-by ages of barbarism. You may read in the accounts furnished to the daily papers, by their special correspondents, that the rigorously disciplined soldiers of Austria were allowed to act the part of robbers let loose upon an unoffending population, to offer violence to unprotected families, to outrage daughters in the presence of their parents, and to revel in such other savage crimes as the blood of civilized men curdles at hearing and the tongue falters in relating. Such she was always—always. These horrors but faintly reflect what Hungary had to suffer from her in our late war. And shall it be said that England, the home of gentlemen, sent her brave sons to shed their blood and to stain their honor in fighting side by side with such a *soldatesca* for those highwayman compacts of 1815 to the profit of that Austria? ”

With the treaty of Villafranca, July 11, 1859, Kossuth abandoned all hope of the independence of Hungary. There can be no doubt that, from the first, Napoleon intended to abandon Kossuth and his cause when he had made use of his influence in England and in Italy for his own purposes. The armistice and the peace with Austria were inaugurated by Napoleon; and when, at the last moment, Emperor Francis Joseph raised difficulties upon some points in the treaty, Prince

Napoleon, who was a party to the conference, threatened him with a revolution in Italy and in Hungary. Thus was it made apparent that the independence of Hungary was no part of the purpose of Napoleon. As to Kossuth, his only solace was in the reflection that he had stayed the tendency to revolution on the soil of Hungary, and thus his countrymen had been saved from new calamities.

Thenceforward Kossuth had before him only a life of exile; but he reserved for his children the right, and he set before them the duty, of returning to their native land.

I am giving large space to the visit of Kossuth in the belief that the country is moving away from the doctrines of self-government as a common right of mankind, as they were taught by him and as they were accepted generally until we approached the end of the nineteenth century.

In Faneuil Hall Kossuth made these striking remarks. Addressing himself to America, he said: "You have prodigiously grown by your freedom of seventy-five years; but what are seventy-five years to take for a charter of immortality! No, no, my humble tongue tells the record of eternal truth. A privilege never can be lasting. Liberty restricted to one nation never can be sure. You may say 'we are the prophets of God,' but you shall not say, 'God is only our God.' The Jews have said so and the pride of Jerusalem lies in the dust! Our Saviour taught all humanity to say '*Our Father in Heaven*,' and his Jerusalem is 'lasting to the end of days'."

His style was that of a scholar who had mastered the English language by the aid of books. His idiomatic expressions were few. In one of his speeches when urging his audience to demand active intervention in behalf of Hungary he attempted to use the phrase, "You should take time by the forelock." At the last word he came to a dead pause and



substituted a twist of his own forelock with his right hand. He thus commanded the hearty cheers of his hearers. It is probable that the expedient was forced upon Kossuth, but the art of a skilled orator might have suggested such a device.

Kossuth was small in stature, not more than five feet seven inches in height, and weighing not more than one hundred and forty pounds. His eyes and hair were black, his complexion dark, giving the impression that he did not belong to the Caucasian race. His career was a meteoric display in political oratory, such as the world does not often witness. His integrity cannot be questioned, and for more than a third of a century he submitted to a life of exile rather than accept a home under a government which he thought was a usurpation. He gave to the country new ideas, and his name and fame will be traditional for a long period of time.

When Kossuth was in America he looked upon General Gorgey as a traitor and he was so regarded by the friends of Hungary generally. In the year 1885, however, a testimonial was presented to General Gorgey by about thirty of the survivors of the contest of 1848, in which they exonerated him from that charge. General Klapka was among the signers, but the name of Kossuth did not appear upon the memorial.

At the end of the nineteenth century neither Massachusetts nor any other State could or would accord to an exile for liberty the reception that was given to Kossuth in 1852.

The expenses of his reception in Massachusetts, and of the entertainment of his suite were paid by an appropriation from the public treasury. He was given a public reception by the Governor of the State, and a like reception was given to him by each House of the Legislature in suspended session.

He was further honored by a review on Boston Common of a fourth part of the organized militia of the commonwealth. The assemblages of citizens were as large in pro-

portion to the population of the State as were ever gathered upon any other occasion.

Kossuth visited fifteen of the principal cities and towns of the State and in each of them he delivered one address or more. His theme was always the same, but his variety of argument and illustration seemed inexhaustible. At Cambridge he urged the students to so use their powers as to "promote their country's welfare and the rights of humanity."

The Legislature adopted a series of resolutions of sympathy and in condemnation of Austria and Russia. The opening resolution was in these words: "Resolved, That every nation has the right to adopt such form of government as may seem to it best calculated to advance those ends for which all governments are in theory established." Can this resolution command an endorsement at the beginning of the twentieth century?

The States of Maine, Rhode Island, and Vermont adopted resolutions of sympathy with Hungary and of arraignment of Austria and Russia.

## XIX

### THE COALITION AND THE STATE CONSTITUTIONAL CONVENTION OF 1853

**T**HE controversy over slavery, which wrought a division in the Whig and Democratic parties as early as the year 1848, led to a reorganization of parties in 1849, under the names of Whig, Democratic, and Free-soil parties, respectively. Of these the Whig Party was the largest, but from 1849 to 1853 it was not able to command a majority vote in the State, and at that time a majority vote was required in all elections. There was a substantial agreement between the Democratic and Free-soil parties upon the leading questions of State politics. Of these questions a secret ballot law and the division of counties for the election of senators, and the division of cities for the election of representatives, were the chief. Under the law then existing the county of Middlesex, for example, elected six senators, and each year all were of the same party. Boston was a Whig city, and each year it chose forty-six members of the House on one ballot, and always of the Whig Party. What is now the system of elections was demanded by the Democratic and Free-soil parties. The change was resisted by the Whig Party. In 1849 I was nominated by the Democratic Party for the office of Governor, and a resolution was adopted denouncing the system of slavery. In that year coalitions were formed in counties and in cities and towns between Democrats and Free-soilers, which demonstrated the possibility of taking the State out of the hands of the Whig

Party, if the coalitions could be made universal. This was accomplished in 1850, and in 1851 I became Governor by the vote of the Legislature, and Mr. Sumner was elected to the United States Senate. It was the necessity of the situation that the two offices should be filled, and the necessity was not less mandatory that one of the places should be filled by a Democrat, and the other by a member of the Free-soil Party. There were expectations and conjectures, no doubt, but until the Legislature assembled in 1851 no one knew what the arrangement would be. I am sure that I had no assurance that either place would be assigned to me. The leaders of the Free-soil Party were resolute in demanding the place in the Senate, so that their views on the subject of slavery might be there set forth, and there were many Democrats who preferred the control of the State.

The coalition had control of the State for the political years of 1851 and 1852. An act was passed which provided for a secret ballot, and by another act the question of a Constitutional Convention was submitted to the voters of the State. In March, 1853, an election was held for the choice of delegates. A majority of the delegates elected were members of the Democratic and Free-soil parties.

Although I had made a resolution to retire from active participation in politics at the end of my term as Governor, I was so much committed to the objects of the Convention, and so much interested in its success, that I could not avoid giving my time to the canvass for the election of members. It happened, however, that I gave no attention to my own town, and the Whig candidate, John G. Park, was elected. My defeat was due to my action upon the liquor bill, which was enacted at the session of 1852. The Legislature passed a prohibitory law, subject to its ratification by the people by the use of the open ballot. The question of the secret ballot was one of the prominent questions between the parties, and

at the session of 1851 the coalition had passed an act requiring the votes to be deposited in envelopes of uniform character and to be furnished by the State. I vetoed the bill upon the ground that if the bill was to be submitted to the people the secret ballot should be used. Thereupon the Legislature passed a similar bill without a reference to the people. The bill was passed by the help of the Whig members from Boston, who were in fact opposed to the measure, and with the design of placing me in an unpleasant position. Contrary to their expectation, I signed the bill. As a temperance man, I could not have done otherwise, although I thought it proper to submit the question to the people by the use of the secret ballot.

Many members of the Democratic Party in Groton were users of liquor, and they voted for my opponent in the contest for a delegate to the Convention. Mr. Park was a Whig, but moderate in his feelings, an upright man, and a fair representative of the Conservative feeling of the time.

It was one of the peculiarities of the call for the Convention, that each constituency could elect a candidate from any part of the State. That feature added immensely to the ability of the Convention. Hon. Henry Wilson was the candidate of the coalition in the town of Natick, but as he was not confident of an election he was a candidate also in the town of Berlin. He was elected in both towns. Mr. Sumner was elected in Marshfield, the home of Mr. Webster, Mr. Burlingame was elected for Northboro, Mr. Hallett for Wilbraham, Mr. R. H. Dana, Jr., for Manchester, and others, not less than ten in all, were elected by towns in which they did not live. This circumstance gave occasion for a turn upon words that attracted much attention at the time. It came to be known that Mr. Burlingame had never been in Northboro. Upon some question, the nature of which I do not recall, Mr. Burlingame made an attack upon the rich

men of Boston, and intimated that their speedy transfer to the Mount Auburn Cemetery would not be a public misfortune. Mr. Geo. S. Hillard, in reply, referred to Mr. Burlingame as the "member who represented a town he had not seen, and misrepresented one that he had seen." Unfortunately for Mr. Hillard he lost the value of his sharp rejoinder by a statement in the same speech. Referring to Boston, where he was a practising lawyer, he said that he "would not strike the hand that fed him."

Upon the meeting of the Convention in May, Mr. Wilson resigned his seat for Berlin, and I was unanimously elected in his place. It was my fortune also to represent a town that I had not seen.

I may mention the fact that my father received a unanimous vote for the Convention in Lunenburg, the town of his residence. There were two other cases of the election of father and son as members of the Convention. Marcus Morton and Marcus Morton, Jr.; Samuel French and Rodney French.

The two great subjects of debate and of anxious thought in the Convention were the representative system and the tenure of the judicial office. It was my earnest purpose to preserve town representation and in the debate I made two elaborate speeches. It was then and upon that subject that I encountered Mr. Choate for the first time. He was a supporter, and, of course, the leading advocate of the district system. The Convention adhered to town representation in a modified form. The proposition was defeated by the vote of Boston, which gave a majority against the new Constitution of about one thousand in excess of the negative majority of the entire State.

More serious difficulties, even, were encountered in the attempt to change the tenure of judges. No inconsiderable portion of the Convention favored an elective judiciary. To

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More serious difficulties, even, were encountered in the attempt to change the tenure of judges. No inconsiderable portion of the Convention favored an elective judiciary. To



that project I was opposed. By the co-operation of a number of the members of the coalition party with the Whigs the proposition was defeated. Next, a proposition was submitted by Mr. Knowlton of Worcester, to continue the appointment in the Executive Department, limiting the tenure to seven years. After an amendment had been agreed to extending the term to ten years, the proposition was adopted. With some misgivings I assented to the compromise. The attempt to change the tenure of the judges was a grave mistake, and it was the efficient cause of the defeat of the work of the Convention. Beyond this error, the defeat of the new Constitution was made certain by the course of Bishop Fitzpatrick of the Catholic Church. For many years the Irish population of Boston had acted with the Democratic Party. Upon the question of calling a Convention the adverse majority in Suffolk had been 2,800 only, but upon the question of ratifying the work of the Convention the adverse majority was nearly six thousand. To this result the influence of Bishop Fitzpatrick had contributed essentially. His reason he did not disguise. Portions of Boston were under the control of the Irish. A division of the city would open to them seats in the House and the Senate. The Bishop deprecated their entrance into active, personal politics. Hence he used his influence against the new Constitution. Such was his frank statement when the contest was over.

About the twentieth of June, when I had been a member of the Convention for twenty days only, General Banks said to me that it was the wish of our friends that I should move for a committee to prepare the Constitution for submission to the people. At that time the thought of such a movement had not occurred to me. The committee was appointed upon my motion, and, according to usage, I was placed at the head of it, and from that time I had in my own hands, very largely, the direction of the business of the

Convention. As is usual, the work of the committee fell upon a few members. In this case the working members were Richard H. Dana, Jr., and myself. Marcus Morton, Jr., a volunteer, was a valuable aid. After considerable experience in other places I can say that the preparation of the new Constitution was the most exacting labor of my life. The committee were to deal with the Constitution of 1780, with the thirteen amendments that had been adopted previous to 1853, and with thirty-five changes in the Constitution that had been agreed to by the Convention. The practical problem was this:—

(1) To eliminate from the Constitution of 1780 all that had been annulled by the thirteen amendments.

(2) To eliminate from the Constitution of 1780, and from each of the thirteen amendments, all the provisions that would be annulled by the adoption of the thirty-five changes that had been agreed to by the Convention.

(3) To furnish Constitutional language for the new features that were to be incorporated in the Constitution.

(4) To arrange the matter of the new Constitution, and to reproduce the instrument, divided upon topics and into chapters and articles.

All the work under the first two heads was done by myself. The language was so much the subject of criticism and of rewriting that the responsibility for item three cannot be put upon any one. The same may be said of the work under item four; although that work was unimportant comparatively. The copy of the Constitution which was used by me in making the eliminations is still in my possession.

It is to be observed that the Convention did not furnish language in which the amendments that had been agreed to were to be expressed in the Constitution.

The resolutions, as adopted, were in the form following:

“Resolved, That it is expedient so to alter and amend the

Constitution as to provide for a periodical division of the Commonwealth into equal districts on the basis of population." This form was observed in all the results reached by the Convention. The Convention had named the first day of August as the day of adjournment, and the serious work of preparing the Constitution was entered upon about the 15th day of July. The committee as a body, consisting of thirteen members, took no part in the preparation of the Constitution. It sanctioned the work as it had been done by Mr. Dana, Mr. Morton, and myself.

As my constant presence in the Convention was required, the work imposed upon me as chairman of the committee was performed in the mornings, in the evenings, and during the recesses. Thus the days from the early morning until ten o'clock at night were given to labor and without thought of eating or drinking. At ten o'clock I ate a hearty supper and then retired, always getting a sound sleep, whatever might have been the work of the day preceding.

In the last fifteen days of the session the *projet* of the Constitution was printed for proof-reading and for corrections twenty-four times. The record shows that there were but few changes made by the Convention, and those were formal and unimportant; and never in the canvass that followed was the suggestion made that the proposed Constitution failed to represent the mind and purpose of the Convention.

The Address to the People of the State was written by me on the last day of the Convention, August 1, 1853. and, as I now recall the events of that day, it was not submitted to the committee, although the members, by individual action, authorized me to make the report. On the same day and upon the motion of Mr. Frank W. Bird, of Walpole, the Convention adopted the following order:—

"Ordered, That the resolves contained in Document No.

128, and the Address to the People signed by the president and secretaries, be printed in connection with the copies of the Revised Constitution ordered to be printed for distribution; and that thirty-five thousand additional copies of said Constitution, with the Resolves and Address, be printed for distribution, in accordance with the orders already adopted." The Convention adjourned at ten minutes before two o'clock on the morning of August 2. The work as a whole was rejected by the voters of the State, but the mind and purpose of the Convention have been expressed during the forty-four years now ended, in the many amendments that have been engrafted upon the Constitution of 1780.

My intimate acquaintance with Mr. Choate began in this Convention. I had known him as early as 1842, when he came to Groton and made a speech in defence of the Whig Party. He was then a member of the Senate and in the fullness of his powers both intellectual and physical. In 1853 his physical system was impaired, but his intellect was as supreme as it had ever been. When I held the office of Governor I made a visit to Mr. Choate at his house. My associate was Ellis Ames of Canton. The circumstances were these. The contest with Rhode Island in regard to the boundary line had reached a crisis. When I came into office I found upon the Statute Book a resolution directing the Governor to institute legal proceedings for the purpose of fixing the boundary unless Rhode Island should agree to proceed by a new commission. As Rhode Island had remained silent, I directed the Attorney-General to execute the statute. After some time he informed me that the preparation of the bill involved a good deal of labor and that some assistance should be had. He suggested Ellis Ames who had a reputation as an equity lawyer. Mr. Ames was employed. When the bill was prepared and submitted to me, I found that a claim was made to five towns that were originally in the

Plymouth Colony, but which by a decree of the King in Council had been set over to Rhode Island in 1746. I objected to the presentation of this claim and said that we should ask only that the true line should be run agreeably to that decree. Soon after the Revolution the State of Rhode Island ran the line *ex parte* and encroached upon the territory of Massachusetts one-fourth to three-fourths of a mile.

From that time both parties had asserted and exercised jurisdiction which had resulted in a number of controversies in the local courts. The Attorney-General lived at New Bedford near the line. The people were constantly excited, and Mr. Clifford was unwilling to accept my proposed amendment. After some delay he suggested an interview with Mr. Choate, who had been counsel for the Town of Fall River in some one or more of the controversies involving the boundary. I assented to the suggestion, and an evening was fixed for a call upon Mr. Choate by Mr. Ames and myself. The evening was a stormy one, but we made our way to Mr. Choate's house. He was in his library in the second story. It consisted of two rooms that had been connected by making an arch in the partition. The shelves were filled, and the floor was covered with books. Ames said:

"Why, Mr. Choate, what a quantity of books you have!"

"Yes," said Mr. Choate, "I have a good many books, more than I have paid for, but that is the book-seller's business, not mine."

After some time had been spent in general conversation Ames introduced the subject for which we had met, and stated the question of the claim to the five towns, to which Choate said:

"The best way is to go for enough and get what we can."

I made no remark, and the business part of the interview ended. Before we left Mr. Choate ordered a bottle of wine and made the remark:

"I keep a little wine in my house, but as for myself, I don't drink a glass once in a thousand years."

One's first impressions of Mr. Choate were never disturbed by intimate acquaintance. Many distinguished persons become insignificant upon close inspection. With Mr. Choate those who knew him best, estimated him most highly. He had no malice in his nature, and there was a genial quality in his sharpest sallies of wit.

In the Convention we had end seats. Mr. Choate occupied the seat immediately in front of mine. Thus I had an opportunity for two months to observe his ways, and to enjoy his conversation. Great as were his speeches, they did not transcend his exhibitions of power in private conversation. His great speech in the Convention was upon the Judiciary System, and his description of a good judge is one of the finest paragraphs in oratory, ancient or modern. His second, or perhaps his first great work in art is his sketch of Demosthenes in his lecture on the Eloquence of Revolutionary Periods. As a specimen of essay writing it is not surpassed by any passage to be found in Macaulay.

The Convention of 1853 was the ablest body of men that ever met in Massachusetts. The Convention of 1820 included Mr. Webster, an abler man than any of the members of the Convention of 1853, but the Convention as a whole was an inferior body of men. Mr. Choate was the first man in the Convention of 1853, and he must ever remain one of the great characters of Massachusetts.

Simon Greenleaf, the author of the work on Evidence, was a member of the Convention, and his influence was considerable. He was a dry, hard-headed lawyer. His influence was due to his reputation rather than to his power as a debater. Had he come to the Convention as an unknown person, his standing would have been in the second or third class.

Richard H. Dana, Jr., added to his reputation by his speeches in the Convention. His style was free from exaggeration, and he addressed himself to the question at issue and always with effect. My intimate acquaintance with Mr. Dana began during the session of the Convention. In 1854 and 1855 I visited him and his father, the poet, at their home in Manchester-by-the-Sea. Mr. Dana, Sr., was a genial man, but reserved, and not much given to conversation. My friendship with Mr. Dana continued until General Butler became a candidate for Congress in the Essex district, and Mr. Dana became the nominee of the dissenting Republicans. That year I placed myself in the hands of the State Committee for a limited number of speeches, and by direction of the Committee, I spoke twice in the Essex district in aid of General Butler, who was the regular nominee of the party. From that time Mr. Dana avoided me, and when we met he addressed me with the coldest formality. At a meeting in this canvass held in Gloucester, I combated the charge of the Democrats that there had been many and great defalcations under Republican rule, and among other things I said the greatest defalcation was by a man who had been identified with the Democratic Party. A man in the gallery said: "Name him." I answered:—"His name is ——." "Oh," said my questioner, "I don't care anything about that! I didn't know but it was General Butler."

When General Grant nominated Mr. Dana for the English mission, I was in the Senate, and I endeavored to secure his confirmation. General Butler appeared as his opponent. The case at first turned upon his manners and his responsibility in the matter of his edition of Wheaton's International Law. In the suit instituted by Beach Lawrence, the Court had found that Dana had violated the copyright of Mr. Lawrence. I made a careful study of the case, and I flattered myself that I had satisfied the Senate that Mr. Dana's offence

was merely technical, and that it ought not to interfere with his confirmation. At that moment there appeared a letter from Mr. Dana which contained an attack upon General Cameron, then a member of the Senate, and Mr. Dana's case was rendered hopeless. He secured his own defeat when his enemies were powerless to accomplish it. He was, however, very grateful to me for my effort in his behalf. The result was a heavy blow to his ambition and he resolved to prepare a new work on International Law. For that purpose he took his residence in Europe, but death came too soon for the realization of his purpose.

Mr. Dana will be remembered by his tale of the sea, "Two Years Before the Mast." He was a learned lawyer, an aristocrat by nature, and a man of eminent power. He scorned the opinions of inferior men, and therein was the cause of his failure. By a hair's breadth he failed of success in all the public undertakings of his life, excepting only his tale of the sea.

Mr. Burlingame was then an enthusiastic young man. He had had some experience in public affairs, but it could not have been predicted that he would attain the distinction which he achieved subsequently, in the field of diplomacy. He made speeches in the Convention, but they produced little or no effect upon the opinions of others. When, on an occasion, he had made an elaborate speech, his father-in-law, Mr. Isaac Livermore, said he was glad it was delivered, as Anson had trodden down all the roses in the garden while reciting it to himself. His speeches were committed, and delivered without notes.

Mr. Sumner was a conspicuous figure in the Convention of 1853, but his influence upon its business was very limited. Indeed, he seemed not to aspire to leadership. His faculties were not adapted to legislative business. He was not only not practical, he was impractical and impracticable. Nor did



experience in affairs give him an education in that particular. Of his long career in the Senate only his speeches remain. During the period of my acquaintance with him there, he introduced a large number of bills, several of them upon matters of finance, but none, as far as I can recall them, stood the test either of logic or experience. From his seat in the Senate he was able to affect and perhaps even to control the opinions of the country upon the slavery question, and thus indirectly he helped to shape the policy of the Republican Party. His knowledge of European diplomacy was far greater than that of any other Senator and greater, probably than that of any other American, excepting only Mr. Bancroft Davis. It was his good fortune to live and act in a revolutionary period. Had he fallen upon quiet times, when the ordinary affairs of men and states are the only topics of thought and discussion, his career as a public man, if such a career should have been opened to him, would have been brief and valueless alike to himself and to the public. In all his life, he was a victim to authority in affairs, and a slave to note- and common-place books.

Henry Wilson, Sumner's future colleague in the Senate of the United States, had large influence in securing the adoption of measures, but his learning was inadequate to the preparation of specific provisions of a constitution. Indeed, in his later years, he was unequal to the work of composing and writing with even a fair degree of accuracy. But his judgment of the popular feeling was unequalled, and he had capacity for shaping public opinion, whenever it was found to be hostile or uncertain, far superior to that of any of his contemporaries. He was not an orator, but his style of speaking was effective, and his speeches, as they appeared in the columns of the newspapers, would bear the test of ordinary criticism. He was a thorough politician who aimed to have things right, but who would not hesitate to use

doubtful methods if thereby the right could be attained. In the year 1854 he joined the Know Nothing Party in secret, while openly he was acting with the Free-soil Party, that had placed him in nomination for the office of Governor. The result was the election of Henry J. Gardner, the candidate of the Know Nothings, as Governor, and the election of Henry Wilson to the Senate of the United States.

Of Mr. Wilson it cannot be said that he was false to friends or unfaithful to the slave. Whatever criticisms may be made upon his career in politics, he kept himself true to the one idea — the overthrow of slavery. He often vacillated in opinion upon passing questions, but at the end his votes were sound usually. As a consequence, his votes and speeches were at times inconsistent. He had a long career in the Senate, but his great service to the country was performed among the people in the canvasses. It may be said of him that at the time of his death he had spoken to more people than any one of his contemporaries or predecessors. His influence was large, although he did not often introduce any new view of a public question. He was direct in speech and he comprehended the popular taste and judgment. He was regarded as a prophet in politics. He was accustomed to make predictions, and not infrequently his predictions were verified. At the end it is to be said that a satisfactory analysis of his character cannot be made. He was not learned, he was not eloquent, he was not logical in a high sense, he was not always consistent in his political actions, and yet he gained the confidence of the people, and he retained it to the end of his life. His success may have been due in part to the circumstance that he was not far removed from the mass of the people in the particulars named, and that he acted in a period when fidelity to the cause of freedom and activity in its promotion satisfied the public demand.

Francis W. Bird had been an active member of the Coali-

tion on the Free-soil side, and an active supporter of the project for a Constitutional Convention. It cannot be said of Mr. Bird that he did anything so well that one might say "nobody could have done better," but his zeal never flagged and hence he did much to secure results. Like Mr. Wilson, he knew every member, and he never hesitated to set forth his views. He always had a following, and in those days it was safe to follow him. In 1872 he became alienated from General Grant and consequently from the Republican Party. His influence was potential with Mr. Sumner, and it is not an over estimate of that influence to assume that he was responsible in a large degree for the defection of Mr. Sumner. Following that election, Mr. Bird became a member of the Democratic Party, but upon what ground it is not easy to conjecture. His whole life had been a protest against that party, and much of his public career had been directed to its defeat. During the war and the period of reconstruction, he had been its earnest and even bitter antagonist. Mr. Bird was a public spirited man, and he was especially liberal towards men and causes in whose fortunes or fate he had become interested. Upon the close of the war there was a tendency in the public mind to advance the successful military men to posts of honor and power in civil life. Some were chosen to the Senate and the House, some were appointed to important diplomatic places, and General Grant was elected President. Many of the politicians were disturbed, and chief among them was Mr. Chase, who allowed the use of his name as a candidate for the Presidency in the Democratic Convention of 1868. From that time many persons who had been conspicuous as anti-slavery men before the war, separated from the Republican Party and joined the Democracy. Mr. Bird was one of many such.

There were a small number of men who had been members

of the Convention of 1820 who were members of the Convention of 1853. Of these Mr. Robert Rantoul, of Beverly was conspicuous, partly on account of his age, partly on account of his services and character, and partly as the father of Robert Rantoul, Jr. He was a noticeable figure in the Convention of 1853. Mr. Rantoul, Jr., had died at Washington the preceding year. His death was a public loss, and especially so to the anti-slavery wing of the Democratic Party to which he maintained his allegiance up to the time of his death. He had, however, taken issue with the party upon the Fugitive Slave Act, and for his hostility to that measure he was excluded from the Democratic Convention of 1852, although he had been duly elected by the Democrats of the county of Essex. There can be no doubt that he would have acted with the Republican Party had he lived to the period of its organization. He was one of the three distinguished persons who were born in the county of Essex early in the century—Cushing, Choate and Rantoul. In masterly ability Choate was the chief, unquestionably. In the profession, neither Cushing nor Rantoul could compare with Choate, although in learning Cushing may have been his rival. In knowledge of diplomacy and international law neither Choate nor Rantoul could be compared to Cushing. In the modern languages he was their superior also, although it is probable that in the knowledge of Latin and Greek he was inferior to Choate. In business matters they were alike defective. In Rantoul there was a lack of continuity of purpose. He was guided by his feelings and opinions. He had the temperament of a reformer. Indeed, he was a reformer. He abhorred slavery, he made war upon intemperance, he was an advocate of reform in prison discipline, and he championed the abolition of capital punishment. In neither of these movements did Cushing or Choate take an interest. They thought

slavery an evil, but they had no disposition to attack it. Alike, they feared unpleasant consequences. Choate's devotion to the Constitution was akin to idolatry.

Cushing's support of the Constitution more nearly resembled professional duty. Indeed, that peculiarity could be discovered in much of his public conduct. In service to others he was liberal to a fault. In conversation, he would make suggestions to politicians and to lawyers in aid of their views or their causes with great freedom and without apparent concern as to the effect upon parties or men. Rantoul was not able to fix his attention upon any one branch of labor. He was first of all a politician with an interest in social questions. The profession of the law was not his mistress. His arguments were clear and direct, but they lacked the quality which is near to genius. This quality Choate possessed in a degree not elsewhere found in the life or history of the American Bar. Cushing's arguments were loaded with learning and heavy with suggestions upon the general subject rather than upon the case. This of his law arguments. As I never saw him before a jury I cannot speak of his quality as a *nisi prius* advocate; but I cannot imagine that he could have had eminent success, and certainly he could not have had success, in the later period of his career.

Mr. Rantoul died at the age of forty-seven. Had he lived to take part in the affairs of the war and of reconstruction, there can be no doubt that he would have achieved great distinction. He had convictions in which Cushing was deficient. He had courage in civil affairs, which Mr. Choate did not possess. Of Choate it can be said, that he lived long enough to establish his claim to the first place at the American bar, if he be judged by what he said, and by what he did. Mr. Cushing had a long career. As to him, there is no room for conjecture. He had great power for acquisition. As an aid to others less well equipped his society and counsels were

invaluable. He had a vast fund of knowledge in law, in history, in diplomacy, and in general literature. It was his misfortune that he early lost the public confidence, and it was a continuing misfortune that he never regained it. While it cannot be claimed that either of these three persons is entitled to a place in general history, it may be said with truth, that the birth of Cushing, Choate and Rantoul in a single county and in a single decade was an unusual circumstance in the affairs of the world.

Mr. Robert Rantoul, Sr., as the oldest member, called the Convention to order and presided until the election of Mr. Banks as president. His administration of the duties of the chair commanded the approval of the Convention, and that without regard to personal or party feeling.

The election of General Pierce to the Presidency in 1852 was fatal to the coalition in Massachusetts. Upon his accession to the office, in March, 1853, General Cushing became Attorney-General of the United States, and in the summer or autumn of 1853 he wrote a letter to a gentleman in Worcester, which was interpreted as a declaration of hostility on the part of the administration against all Democrats who affiliated with Free-soil politicians. The election of 1852 had been favorable to the Whigs of Massachusetts, but the contest was fatal to the Whig Party in a national point of view. That party disappeared in the country, and after two elections in Massachusetts, that of 1852 and 1853, it ceased to have power in the State. For many years after, there were occasional attempts to revive it, but all such attempts were vain. It was led by intelligent and well-disposed men, but its principles were not accepted by the country, and it attempted to secure the recognition of its principles by a policy that was temporizing and expedient. It lacked the courage of the old Democratic Party.

Upon the defeat of the Constitution, I turned my atten-

tion to the profession in the office of Mr. Joel Giles, with whom I had studied. He had been a lecturer at Cambridge, a member of the House and the Senate, and of the Constitutional Convention. He was a bachelor, economical in his expenditures, rigid in his opinions, just in every thing, and a most careful student and conscientious practitioner. He was a patent lawyer, and as lawyer and mechanic he was the superior of any other person that I have known. As an advocate his services were not valuable. He seemed timid, and his style was not adapted to jury trials nor to hearings by the court. However, in patent cases he could make himself understood by the court, and he had influence resting upon the belief that he was free from deception which was the fact.

Mr. Giles was then attorney for Elias Howe, the inventor of the sewing machine. He had been counsel for Howe from the first, when Howe was in extreme poverty and unable to pay fees. In the early stages of the contest Mr. Giles conducted the case without present compensation, and at the end, when Howe's income was enormous for the period, Mr. Giles accepted only very moderate fees, and he was content therewith. Mr. Howe was a peculiar character: odd in his ways, but generous with his income: — so generous that at his death his fortune was very small. In my long acquaintance with Mr. Giles I never knew that he made charges for services against any one or that he ever presented a bill, although he sometimes spoke of the indifference and neglect of his clients in the matter of money. Some paid and others did not. Mr. Howe paid all that Mr. Giles required, but that was very little compared with the service rendered. The litigation over the Howe patent was severe and the questions in a mechanical point of view were nice questions. Mr. Giles began with the invention, and he became a master of the case. Mr. Howe was indebted to Mr. Giles for the success of his

litigation which established his claim to the invention, secured to him as the proceeds what might have been an enormous fortune, and placed his name in the list of the names of great inventors. The patent-law practice is the most exhausting branch of the legal profession, and the lawyers and experts suffer from brain diseases in excess of the average of sufferers in other branches of the profession.



## XX

### THE YEAR 1854

**A**T the session of the Legislature, January, 1854, the town of Fitchburg, aided by towns and citizens of the vicinity, petitioned for a new county to be composed of towns to be taken from the counties of Middlesex and Worcester and to be called the county of Webster. Mr. Choate was retained for the new county, and I appeared for the county of Middlesex. The hearing by the committee occupied two weeks or more, for an hour or an hour and a half a day. The fees received seem now to have been very small. It was said that Mr. Choate received the sum of five hundred dollars, and my fee was two hundred and fifty dollars. Mr. Choate obtained a favorable report from the committee, but the project failed in the Legislature. It was renewed the succeeding year, when Emery Washburn appeared for the county of Worcester. In those two contests, covering a month of time in all, I had an opportunity to study Mr. Choate in his characteristics as an advocate and as an examiner of witnesses, a branch of the profession in which he had great skill.

Various witnesses were called for the purpose of gathering facts as to the inconveniences of which complaints were made and also for the purpose of showing the advantage to be derived from the proposed change. A witness of importance and altogether friendly, was Stuart J. Park, of Groton. He was a Scotchman by birth, his father having been employed upon the Argyle estates. The father came to America.

while the son was a minor. They were by trade stone masons. Stuart J. Park was then nearly seventy years of age. He had represented the county in the State Senate and for many years he had been a person of note, although his education was limited. He had, however, an abundance of sound sense and an excess of will power, even for a Scotchman. In his business he had had a large and successful experience. He was the master builder of the Boston Mill Dam, of the Charlestown Dry Dock, of the State prison buildings in Massachusetts, and New Hampshire, of the track of the Lowell railway, which was laid originally on granite sleepers, and of many jails in New England. Experience proved that granite sleepers were too firm and sleepers of wood were substituted.

One of the county commissioners was John K. Going of Shirley. I had known him from my youth. He was my senior by about ten years. In my boyhood he called not infrequently at my father's house, driving an old horse in a second-hand, well worn sulky. His business was trading in horses and watches, and gambling, as was reported, for small sums of money. To myself and my brothers he was held up by my mother as a warning. Before he was twenty-one years of age he had induced his father to mortgage his small homestead for four hundred dollars which John lost in unwise or unfortunate ventures. Upon that experience he began to recover his fortunes. He became a dealer in better horses, then in hops, then in real estate, and to some extent he became an operator in Boston markets. At the age of fifty he was worth, probably, two hundred thousand dollars. With the improvement of his fortunes, his character improved. He was always temperate and his agreements were carefully kept. He made ample provision for his parents, and for a sister; was a representative in the general court and for many years he was a capable and acceptable county commissioner. He was one of a not numerous class of per-

sons who escape from evil early associations and habits of life.

In 1854 the Know Nothing Party took possession of Massachusetts. Its secrecy made it attractive to many persons. Moreover, the then existing parties were unsatisfactory to the people. The Whigs, who had been out of power in 1851 and '52, had regained power, but the vitality of the party had disappeared forever. Many of the leaders had joined the Free-soil Party, and others were indifferent to its fortunes. The Democratic Party was dissatisfied with the national administration, and the Free-soil Party was without hope. The coalition could not be repeated. In the spring or summer of 1854 General Banks asked me whether I intended to join the Know Nothings. I said No, that I had left politics and that I intended to practice law. He said in reply, "I am in politics and I must go on." The success of the Know Nothing Party was without precedent. They carried every city and town in the State, elected all the members of the Legislature, unless there may have been an accidental exception, unseated all the members of Congress, elected Henry J. Gardner, Governor by an immense majority, and elected Henry Wilson to the Senate of the United States.

Mr. Gardner was re-elected in 1855 by the momentum of the party, although it had fallen into discredit which would have led to its ruin in the face of a vigorous opposition. The Whig Party had disappeared and the Republican Party had not reached a period when it could command its forces. In 1856 the Know Nothing Party was yielding to the Republican Party and Governor Gardner was accepted for a third term.

In the year 1854 I made a trip to the Adirondack woods and mountains. The party was organized by Francis W. Bird, and it consisted of Mr. Bird, Henry W. Pierce, D. W.

Alvord, a Mr. Hoyt and myself. We left our homes about the 20th of June and were absent about twenty days. We entered the woods from Amsterdam, N. Y. From that place we travelled by a wagon to Lake Pleasant, about fifty-four miles. We remained there two or three days at a hotel kept by a man named John C. Holmes, or rather by his wife, who was the chief of the premises. She kept a good house; while Holmes retailed old stories to the few guests. The chief topic was the large trout caught in the lake and when and by whom. The ten largest of the season caught in Lake Pleasant and Round Lake weighed in the aggregate  $154\frac{1}{2}$  pounds. A Mrs. Peters from New York was the champion; her prize having weighed something over 16 pounds.

We started for the woods on a Thursday taking with us eight guides, a donkey and a considerable quantity of provisions. As the protection was insufficient, the bread, salt, pepper, etc., were soon ruined. The salt pork was saved. At the end of three or four days we sent the donkey and three men back to Lake Pleasant. On this trip I had my first and indeed my only experience in sleeping on the ground. At the small lakes we found the hunters' camps, which were made by erecting poles and covering the scanty frame with the bark of cedar trees.

Saturday night we divided our force as the camp at the lake where we intended to stop was too small for the accommodation of the whole party. Consequently some of the guides went on about four miles to a lake where there was another camp of larger size. Hoyt was the enthusiast of the party, and it was his ambition to kill a deer, although the inhumane act was prohibited at that season of the year.

Our leading guide was called Aaron Burr Sturgis. Thursday evening Hoyt insisted upon going out deer hunting upon the lake. Burr took charge of him. Hoyt had a shot, but missed the deer. Friday evening the effort was renewed

with the same result. Burr insisted that the game was in sight at a reasonable distance, and that Hoyt was a victim of the disease known as *buck fever*. When Saturday evening came there was a public sentiment in favor of changing the hunter as the party were becoming weary of salt pork and trout. Burr fixed upon me, and warmly advocated my selection. Hoyt was warm in advocacy of his own claim. Burr's partiality for me was due to the circumstance that at Lake Pleasant I had sent a buck-shot fifteen rods straight to the mark. Hoyt was finally driven from the field, his only consolation being my promise that I would fire but once, and whether successful or not, I would return to the camp.

The hunter's boat was a narrow, long, flat-bottomed craft, capable of carrying two persons if they were sober and careful. I took my place in the bow of the boat, behind and rather under the jack. I rested upon my knees, holding my gun in such a position that I could use it at short notice. While we were crossing the lake to the feeding ground, Burr gave me my instructions. He said that when I saw the deer in the light from the jack, he would look as though he were cut out of white paper. Such proved to be the fact. The light upon the deer gave him the appearance of being white as the background was black. He appeared in profile only. Next Burr said I must not fire until he gave me orders, as I could not judge of the distance.

After a time the light fell upon a deer. He raised his head and gazed upon the light. Burr moved with the boat without making a ripple and finally he held the boat with his oar and ordered me to fire. This I did, and the deer ran for the shore, Burr pushed his boat to the quag, took the jack, and followed the track. At the distance of about fifteen rods he found the deer unable to move. Burr applied his knife to the throat of the animal, and then dragged him to the boat and we lifted him in. As Burr turned the boat he

said, "Did you hear the deer whistle on the other side of the lake when you fired?" I said no. Burr said they whistled and he was going over to see if we couldn't get a shot. I referred to my promise to Hoyt, which Burr answered with an oath of disapproval. As I saw no reason for getting another deer I was disgusted with the new movement, and neglected to re-load the empty barrel. When we reached the other side, we could hear deer moving in the water among the tall grass, but we could not see them. After a time I became interested in the undertaking, and I raised myself upon my feet for the purpose of looking over the tall grass. At once I was seen by a deer, and he made for the shore without delay. In the excitement of the moment I discharged my remaining barrel. The deer stopped suddenly, raised his tail, and whistled. I thought that I had shot him, and that he would soon fall into the water. I said to Burr, "How am I to get that deer?" Burr said, "I don't know: you haven't hit him yet." The deer stood for a minute within good range and fully exposed. Luckily I had only an empty gun, or otherwise I might have killed a deer for which we had no use—for which there could have been no excuse. The whistle of the animal was a note of exultation and a notice that he was unharmed. Had he been wounded he would have run without waiting to explain his condition. This was the only success in deer hunting by any of the party. Hoyt went out several times, to return a disappointed man.

I spent the larger part of a night upon Louis Lake with a Canadian Frenchman, of whom the rumor was, as I learned afterwards, that he was a refugee charged with the murder of a woman. While one might not choose such a person for a guide upon a forest lake and in the night time, yet criminals of that sort are very often safer companions than many reckless persons not yet guilty of any great crime. Murders committed under the influence of passion do not lead to other

murders by the same parties. On the Sunday following we arrived at a small lake where the camp was too limited for the accommodation of the entire party and those who had remained proceeded to join their companions. The day was rainy and when we reached our destination, we found that one end of the camp had been destroyed by fire and that the part standing furnished only inadequate room for the small party already occupying it. The building of a new and much larger camp was the work of the entire party. For a bed we cut great quantities of hemlock boughs and after shaking the water from them we laid them upon the ground and in our blankets we lay down with our feet to a rousing fire which extended along the entire front of the camp not less than twenty feet. None of the party suffered from the experience.

At that time fishing for brook trout was not an art. On one occasion I waded into the rapids of Racket River where the water was about two feet deep, and as often as my hook struck the water, I would get a bite. The fish were of uniform size and weighed about one pound each. We had equally good fishing upon the streams which connect the Eckford Lakes. At Racket Lake a controversy arose about the route to be taken. Alvord and Hoyt had a plan which Bird did not approve. Pierce and myself took no part in the debate; we had accepted Bird as leader and we chose to follow him.

We were quartered in a log house that had been built for the use of some railway surveyors, but it was then occupied by a man who went by the name of Wood. It was rumored that he was a refugee from Lowell, Mass. He had lost both legs to the knees by freezing, and he walked upon the stumps with considerable speed. He was able to walk to the settlement at Lake Pleasant, a distance of thirty-eight miles. He had a wife and one daughter, who were as

ignorant as barbarians. After a warm and almost bitter debate between Hoyt and Bird, a separation was resolved upon. Hoyt and Alvord went northward and we resolved to return by the way of Indian and Louis Lakes to Lake Pleasant. Bird had incurred some expenses for our outfit, and Hoyt in his excitement resolved to pay his share at once. He had no money nor was there any money of consequence in the party. In this condition of affairs Hoyt exclaimed, "Who will give me the money for a check on the Greenfield Bank?"

Bird, Pierce, and myself, with three guides, turned our faces toward the Eckford Lakes and Mt. Emmons. From Eckford we made our way to Indian Lake. The day was warm and rainy in showers. The guides were ignorant of the route, having never passed over it, and the distance was estimated at twenty miles. We started in the morning in good spirits and confident of getting through to Forbes' Clearing on Indian Lake. We followed a road made by the lumbermen and about noon we crossed an upper branch of the Hudson and came upon a small dwelling where an Irishman and a boy were grinding an ax.

They were protected from flies and mosquitoes by a dull fire of chips and leaves called a smudge. We asked for dinner and the way to Indian Lake. They could not give us a dinner nor say definitely how we were to get to Indian Lake. The man said there was another house farther along where we might get something to eat, and he would follow in a short time and go with us towards the lake. We soon reached the second dwelling where we found a woman and children; the husband having gone to the settlement for supplies. She gave us some ham and corn bread, to which we added tea from our own stock. When we were approaching the house, we saw a deer making for the thick forest. This was the only deer that I saw after my trip on the lake with Burr. When



our meal was over, we followed the Irishman into the thick wood where there was no path, and where our way was often blocked by fallen trees. Many times in the course of an hour we heard the noise caused by the fall of a tree, and once when winding our way by the steep side of a mountain, we saved ourselves by fleeing towards the lake. The tree was a huge yellow birch and it was so much decayed that it was broken into thousands of pieces, trunk as well as branches.

When we began our trip, Pierce was unwell and the tramp of this day quite overcame him. He often sat down upon fallen trees, and deplored his folly in going into the woods. He amused us by his bids, offering first five dollars and then from time to time advancing his offer to anyone who would set him down at old John C.'s. When we came in sight of the lake we raised the sum of fifty cents for our guide and dismissed him. We then proceeded up the lake, keeping ourselves within sight of it for the most part. At about sunset we reached an opening where a small stream entered the lake. Pierce sat down upon the ground and announced that he would not walk another step that night. In that condition of affairs we sent guides forward with such luggage as they could take, and with directions to return with a boat as soon as they reached Forbes' Clearing. During twilight we saw a boat coming down the lake. The boatman proved to be James Sturgis with a small boat designed to carry two persons. We were four, and when we were seated the water was within an inch of the top of the gunwale. I told Sturgis to keep near the shore. In doing so he ran upon the limb of a fallen tree. The boat careened on one side and then the other, dipping water. At last we got off and after an hour's rowing, we reached the clearing, where we got a supper and the privilege of sleeping on the floor of the log house.

The next morning we obtained the use of a large flat-bot-

tomed scow and paddled ourselves up the river which flows into the Indian Lake from Louis Lake. The distance was about nine miles and through an intervalle from half a mile to two miles in width. This valley was studded with huge trees at such a distance from each other that it might well be called a park, and when in a state of nature it must have been not only beautiful, but magnificent. The curse of civilization was upon it, however. For lumbering purposes a dam had then been built across the outlet of Indian Lake, and the intervalle had been overflowed until all the trees were dead. The grass was rank and we were told that it was a favorite feeding ground of the deer.

At Louis Lake I made an excuse to visit Burr Sturgis' mother who lived with her husband on the opposite side of the lake from our camp. I asked Burr to take me across that I might get from his mother some corn cakes. We found Mrs Sturgis to be a woman about forty-five years of age with some of the freshness of youth in her appearance, and in conversation quite above her surroundings. She had had a large family of children all born in the woods. The rumor among the guides was that she was from Connecticut. There were rumors about all the inhabitants of the woods, but of authentic history, there was but little. The imagination might sketch the history of Mrs. Sturgis.

NOTE.—Burr Sturgis and James Sturgis were brothers.

## XXI

### ORGANIZATION OF THE REPUBLICAN PARTY IN MASSACHUSETTS IN 1855 — AND THE EVENTS PRECEDING THE WAR

**I**N the month of August 1855, the Republican Party of Massachusetts was organized, and under the lead of those who signed the call, a convention was held at Worcester, the eighteenth day of September, of that year. In Mr. Webster's time the Whig Party had been divided into two parts, known as Conscience Whigs and Cotton Whigs. The Conscience Whigs had become Free-soilers, and the Cotton Whigs upheld the flag of the party in the belief that trade would follow the flag. The death of Mr. Webster and the election of General Pierce ended the Whig Party in the State. In 1855 the Democratic Party was a nerveless organization, and without hope, except as the leaders looked to the supremacy of the party in the country as a guaranty of office-holding to the few who were in the ascendancy in the commonwealth. In one short year of power the Know Nothing Party had destroyed its influence in the State. Thus was the way prepared for a new and formidable organization, destined to succeed under the declaration that slavery was not to be extended to the territories of the Union.

The first meeting of the men who led in the organization of the Republican Party was held at the United States Hotel. By adjournment the second meeting was held at Chapman Hall. At this meeting a committee of twenty-seven persons

was chosen, of which the Honorable Samuel Hoar was chairman. He had been a Whig of the Federalist school, he was a lawyer of eminence, ranking all but the few greatest leaders of the bar, he had had a career of useful public service, and he enjoyed the respect and the confidence of the commonwealth. His associates were Homer Bartlett, Charles Francis Adams, George S. Boutwell, Stephen C. Phillips, George Bliss, H. L. Dawes, John Brooks, Charles Allen, Moses Kimball, R. H. Dana, Jr., Marcus Morton, Jr., William H. Wood, W. S. Breckinridge, James H. Mitchell, George Grennell, D. W. Alvord, Increase Sumner, William Clark, Charles W. Slack, Thomas D. Elliot, Samuel Bowles, William Brigham, Ivers Phillips, George Cogswell of Bradford, John H. Shaw. At this date, June 12, 1900, three of the signers are living: H. L. Dawes, George Cogswell, and the writer of this volume. A very exact account of the proceedings of the Chapman Hall meeting may be found in the *Boston Journal* under the dates of August 16, 17, 22, 23, and 30.

Mr. Franklin Dexter, a son of Samuel Dexter, was named upon the committee. Mr. Dexter declined the appointment, and in a letter which is printed in the *Journal* under one of the dates named, he gave his reasons. The one controlling reason was the fear that the persons engaged in the movement would go too far and involve the country in troubles and evils greater than those which the nation was then experiencing. To these considerations, Mr. Winthrop, in a private interview, added objections of a personal nature.

A supplementary call, signed by more than a hundred citizens, including Senator Wilson, was subjoined to the call of the committee. The impetus which the Know Nothing Party had received in the election of 1854 was sufficient to secure the re-election of Governor Gardner over Julius Rockwell, the first candidate of the Republican Party in the

State. In 1856 Governor Gardner was elected as the candidate of the Republican Party. Since the year 1856 the Republican Party has given direction to the policy of the State.

In 1858 my friends made an effort to secure my nomination for the United States House of Representatives. I was indifferent to the movement, although I did not decline to be considered for the nomination. Some of my best friends urged me to remain where I was, and my opponents were certain that no one else could perform the duties in a manner so acceptable. At the Convention I received sixty-three votes, and my opponent, Charles R. Train, received sixty-six votes. Train was declared the nominee, and as such he was elected. After the Convention was over, some person of an inquiring turn of mind found that if every portion of the district had been represented the total vote could not have exceeded one hundred and eighteen. This discovery led to some crimination, each party charging the other with fraud.

When in 1860 notices were posted in the town of Concord calling upon the Republicans to meet in caucus, to choose delegates to the State Convention, Mr. Ralph Waldo Emerson called at the office of George M. Brooks, who was an active supporter of Mr. Train, and said:

"I see there is to be a caucus to choose delegates to the Convention, and I have called to make an inquiry about it, as Mr. Boutwell was cheated out of his nomination two years ago."

Mr. Brooks said in reply:

"This caucus is for delegates to the State Convention. The District Convention has not been called. But we thought the cheating was on the other side."

"Ah!" said Mr. Emerson. "I see that you are not for Mr. Boutwell. Do you know of anybody in the village who is for Mr. Boutwell?"

Mr. Brooks did not give him the information, and he went away. When the evening came for the district caucus, the leading men who managed the caucuses usually, went to the hall, and to their surprise they found the transcendentalists in force, surrounded by a deep fringe of farmers from all parts of the town. The meeting was organized. Four delegates were to be chosen. Upon the nomination of candidates the names were placed upon a sheet of paper, and then the citizens passed around and each one marked against four names. The friends of Train secured the lead, in making nominations, and my friends followed with four names. When this ceremony was over, Mr. Emerson rose and said:

"The first four names on that paper are for Mr. Train. The second four names are for Mr. Boutwell. We are for Mr. Boutwell, and our friends will be careful not to vote for the first four names, but to vote for the second four names."

Mr. Emerson's policy prevailed, and as far as I knew, this was his only appearance in Concord politics. In that year I had a majority of the delegates to the convention, but I attended, withdrew my name, and nominated Mr. Train for election. When I was elected in 1862, Mr. Emerson gave me his support and during my term I received many letters from him in approval of my course, which to many others seemed extreme and unwise. My acquaintance with Mr. Emerson was never intimate, but it was always friendly and I rest in the belief that he so wished our relations to continue. It began in the Forties, when he honored me with his presence at the Concord Lyceum, where, for a period, I had an opportunity to speak. It was my better fortune to hear Mr. Emerson speak on many occasions. He was not an orator in a popular sense, but he had the capacity to make his auditors anxious to hear what he would say in his next sentence, which, not infrequently, was far removed from the preceding sentence.

In April, 1859, I presided at a dinner in honor of Jefferson. In the speech that I then made, I predicted the Rebellion, although at that time there were but few who expected any event more serious than a political struggle. I then said :

“ The great issue with slavery is upon us. We cannot escape it. The policy of men may have precipitated the contest ; but, from the first, it was inevitable. The result is not doubtful. The labor, the business, the wealth, the learning, the civilization, of the whole country, South as well as North, will ultimately be found on the side of freedom. The power of the North is not in injustice. We are bound to be just ; we can afford to be generous. Concede to our brethren of the South every constitutional right without murmuring and without complaint. Under the Constitution and in the Union every difficulty will disappear, every obstacle will be overcome. But, rendering justice to others, let us secure justice for ourselves ; and we of the North, not they of the South, shall be held responsible, if the slave-trade upon the high seas is openly pursued or covertly permitted, if new territory is consigned to slavery, or if the gigantic powers of this government are longer perverted to the support of an institution dangerous to the welfare of the people and hostile to the perpetuity of the Union.”

A letter from Abraham Lincoln was read at the Jefferson dinner. As Mr. Lincoln's letter has more value, manifestly, in the year 1901, than it appeared to have in the year 1859, I reprint the important parts of that communication :

“ Bearing in mind that about seventy years ago two great political parties were first formed in this country—that Jefferson was the head of one of them, and Boston the headquarters of the other, it is both curious and interesting that

those supposed to descend politically from the party opposed to Jefferson should now be celebrating his birthday, in their own original seat of empire, while those claiming political descent from him have nearly ceased to breathe his name everywhere. But soberly, it is now no child's play to save the principles of Jefferson from total overthrow in this nation. One would state with great confidence that he could convince any sane child that the simpler propositions of Euclid are true; but nevertheless he would fail, utterly, with one who should deny the definitions and axioms.

"The principles of Jefferson are the definitions and axioms of free society. And yet they are denied and evaded, with no small show of success. One dashinglly calls them 'glittering generalities.' Another bluntly calls them 'evident lies.' And others insidiously argue that they apply only to 'superior races.'

"These expressions, differing in form, are identical in object and effect—the supplanting the principles of free government, and restoring those of classification, caste, and legitimacy. They would delight a convocation of crowned heads plotting against the people. They are the vanguard—the sappers and miners of returning despotism. We must repulse them, or they will subjugate us. This is a world of compensation; and he who would be no slave, must consent to have no slave. Those who deny freedom to others, deserve it not for themselves, and under a just God cannot long retain it. All honor to Jefferson—to the man who, in the concrete pressure of a struggle for national independence by a single people, had the coolness, forecast and capacity to introduce into a merely revolutionary document an abstract truth, applicable to all men and all times, and so to embalm it there, that to-day and in all coming days, it shall be a rebuke and a stumbling block to the very harbingers of reappearing tyranny and oppression."



In the canvass of 1860 I made a speech at Cambridge in reply to a speech made in Faneuil Hall by Mr. Yancey. I again gave my opinion that war was impending. I then saw that the preliminary incidental conspiracy was in the Democratic Party, by which the party was to be divided, and by which the Republican Party was assured of success. Had the government been continued in the hands of Democrats there could have been no pretext for rebellion. The first necessary step in the movement was the destruction of the Democratic Party. That step was taken, and thus the way was opened for the election of Mr. Lincoln. The secession of the States, beginning with South Carolina, was a recognition of the legitimacy of the Government, of which Mr. Lincoln became the head. This recognition was consummated beyond question, when Vice-President Breckinridge announced the election of Mr. Lincoln, in February, 1861.

The interests of the seceding States would have been promoted as the measures of the incoming administration would have been retarded, if the members from those States could have retained their seats in Congress. It is probable that in the excitement of the time, the States gave no thought to the question whether it would be wise to allow their members to remain in the old Congress, and there thwart the administration in its efforts to raise men and money. However that may have been, when the Southern members left their seats they surrendered to the Republican Party that absolute power by which in the end the Rebellion was suppressed. Upon the theory of many Democrats and of some Republicans, that the seceding States were never out of the Union, they might have kept a representation in Congress while the States themselves were carrying on a war for the destruction of the old Government. Happily for the country the logic of events was mightier than the logic of the

schools. The larger number of men who went out haughtily in 1860 and 1861 never returned.

In 1861 I was invited to deliver an address at Charlestown, Mass., on the anniversary of the Battle of New Orleans. I said nothing of that battle, for my thoughts were directed too exclusively to the prospect of war in the near future, to allow me to deal with the past except for the purpose of warning or encouragement. That address gave great offence to Democrats generally, and it led many Republicans to denounce me as unwise, and to declare that my counsels were dangerous. Governor Andrew, who had just taken his seat as Governor, accepted the view that I expressed, as did his privy counsellor, Frank W. Bird, although they had disagreed with me in the National Convention, of June, 1860. They were the earnest supporters of Mr. Seward, I was opposed to his nomination, and as I would not pledge myself to his support, I barely escaped defeat in the State Convention, which elected the delegates at large to the Chicago Convention.

In my address at Charlestown, I made these remarks, which gave no inconsiderable offence:

“In this juncture of affairs, we anxiously ask, what more remains to be done? I infer, from what I see and hear, that most of my countrymen believe that the election of Abraham Lincoln to the Presidency is to be declared in the customary way, and that he is to be inaugurated at Washington on the 4th of March next. The intentions of men are hidden from our view; but the necessities of the seceders we can appreciate, and the logic of events we can comprehend. It is a necessity of the South to prevent the inauguration of Lincoln. If he is inaugurated at Washington on the 4th of March, the cause of the secessionists is lost for ever. In all their proceedings, they have been wise and logical, thus far; and I

assume that resistance to the inauguration of Lincoln is a part of their well-laid scheme. No man can now tell whether this scheme will be abandoned, whether it will be tried and fail, or whether it will be tried with success. I believe it will be tried.

“True, the administration has put itself on the side of order; the city is alarmed for its existence, knowing full well that if it is given up to the military or the mob, and the representatives of eighteen free States are, for a single hour only, fugitives from the capital of the country, its re-occupation will be upon terms less agreeable to the inhabitants of the District and the neighboring States. The possession of Washington does, in a considerable degree, control the future of this country. Believing, as I do, in the stern purposes of these men; knowing, also, that Maryland and Virginia can command on the instant the presence of large bodies of volunteers,—I deem it only an act of common prudence, for the free States, without menaces, without threats, with solemn and official declarations even that no offensive movement will be undertaken, to organize, and put upon a war footing, a force of one hundred thousand men, who may be moved at any moment when desired by the authorities of the country.

“What, then, will be our position? The way ought to be open for the inauguration of Mr. Lincoln; but there are those who demand a compromise as a step necessary and preliminary to that event. I do not now speak of the demand made upon States, in their sovereign capacity, to repeal certain laws, concerning personal liberty, alleged to be unconstitutional.

. . . . .  
“The compromises of which I speak are the various propositions, which proceed upon the idea that the election by the people of a President of the Republic, in constitutional ways

and by constitutional means only, shall not be consummated by his peaceful inauguration, unless the character of the government is fundamentally changed previously, or pledges given that such changes shall be permitted. I see no great evidence that these demands are to be acceded to; but I see that the demands themselves attack the fundamental principles of republican liberty. If disappointed men, be they few or many, be they conspirators and traitors, or misguided zealots merely, can interpret their will, and arrest or divert or contravene the public judgment, constitutionally expressed, then our government is no longer one of laws, but a government of men."

## XXII

### AS SECRETARY OF THE MASSACHUSETTS BOARD OF EDUCATION

**I**N the early autumn of 1855 the Board of Education elected me to the office of secretary of the board. The position was offered to Mr. George B. Emerson, who declined to accept it for the reason that he was unwilling to perform the necessary labor. My predecessor was Barnas Sears, who resigned to accept the presidency of Brown University. I made no effort to secure the appointment; indeed, I was doubtful as to the wisdom of accepting it. I had been a member of the board for several years, and I had had a limited acquaintance with Mr. Mann during his term of office. Mr. Mann had had a brilliant career. He entered upon his duties at a time when the public schools of Massachusetts were in a low condition, and under his administration there had been a revival of interest, whose force is felt, I imagine, to this day. He attacked the customs and ridiculed the prejudices of the people, made war upon the practice of corporal punishment, engaged in a controversy with the Boston schoolmasters, and in the end he either achieved a victory whenever a stand was made against him, or he laid the foundation of ultimate success.

Dr. Sears was a man of peace. He was a carefully educated scholar and progressive in his ideas, but he relied upon quiet labor and carefully prepared arguments. He was the head of the school system for the long period of thirteen years, and in that time great progress was made. He supplemented

Mr. Mann by a steady and sturdy effort to establish permanently the reforms which Mr. Mann had inaugurated. One obnoxious relic of the ancient ways remained—the district system. In 1840 Governor Morton had called the school districts of the State, “Little Democracies.” They were in fact little nurseries of selfishness and intrigue. In the selection of the teachers, in the erection and repairs of school houses, and even in the business of furnishing the firewood, there were little intrigues and arrangements by which interested parties secured the appointment of a son or daughter to the place of teacher, or a contract for wood or work. The election of the committee not infrequently turned upon the interest of some influential citizens.

The great evil was the inefficiency of the teachers. Even in cases where the committeeman was left free to act, he was usually incapable of forming a safe opinion as to the quality of teachers. To be sure the examination and approval of candidates were left to the superintending committee, but most frequently the examination was deferred to a time only one or two days prior to the day when the school was to be commenced and the committee would too often yield to the temptation to keep the candidate even though the qualifications were unsatisfactory. The contest with the district system fell upon me, and during my administration the system was abolished. The end was not accomplished without vigorous opposition.

The citizens of the town of Mansfield took the field and under a memorial to the Legislature they appeared before the Committee on Education. The hearings were public in the hall of the House of Representatives. They made personal attacks upon me—among other things alleging that my traveling expenses were greater than the law allowed. This charge was met successfully by an opinion that had been given by Attorney-General Clifford. I changed the defence

to an attack upon the promoters of the movement, and they retreated after a contest of several days; one of the party admitting that they were wrong in their views and wrong in their actions. For the most part, they were well intentioned persons, but not informed, or rather they were misinformed upon the subject of education. They were unimportant in numbers, but for a time they strewed the State with hand bills, placards and newspaper articles. They illustrated one half of the fable of the frog and the ox.

In my five years of service I made more than three hundred addresses upon educational topics. In that service I visited most of the cities and towns, met the citizens individually and in masses, visited the factories and shops, and thus I became well acquainted with the habits of the people, their industries and modes of life. In each year I held twelve teachers' institutes and each institute continued five days in session. A portion of each day was given to criticisms, during which time the teachers of the institute and the lecturers were freely criticised by cards sent to the chair without the names of the critics. Hence there was the greatest freedom, and no one on the platform was allowed to escape. It is an unusual thing to find a speaker, even of the highest culture, who can speak an hour without violating the rules of pronunciation, or showing himself negligent in some important particular. The teachers of the teachers gained daily by these critical exercises.

Among the lecturers and teachers were some men of admitted eminence. Agassiz was with me about two years as lecturer in Natural History. His skill in drawing upon the blackboard while he went on with his oral explanation was a constant marvel. He was not a miser in matters of knowledge more than in money. Of his vast stores of knowledge he gave freely to all. Any member of a class could get from him all that he knew upon any topic in his department. When

he was ignorant he never hesitated to say: "I don't know." He was very chary of conjectures in science. Indeed, I cannot recall an instance of that sort. He chose to investigate and to wait. In all his ways he was artless. He was a well built man with a massive head and an intelligent face. His presence inspired confidence.

Associated with him by nativity and ties of friendship, was Professor Guyot. Professor Guyot taught physical geography, and previous to 1855 he had wrought a change in public opinion in regard to the method of introducing the science to children. All the then recent text-books omitted physical geography, or reserved it for a brief chapter at the close of the work. Guyot changed the course of study. His motto was this: "We must first consider this earth as one grand individual." On this foundation he built his system. Morse, the father of the inventor of the system of telegraphic communication, was the author of a geography published in the eighteenth century, and he commenced with physical geography. His successors, Cummings, Worcester, and others abandoned that scientific arrangement and introduced the learners to political and descriptive geography. Moreover, their teaching of physical geography was devoted to definitions to be learned by rote. Many of the text-books in use in the schools were framed upon similar erroneous ideas. The first sentence in Murray's Grammar was a definition of the science, and was in fact, the conclusion deduced from a full knowledge of the subject.

George B. Emerson, who was one of our teachers, gave a great impetus to the art of teaching grammar. He discarded books, and beginning with an object, as a bell or an orange, he would give a child at the age of twelve years a very good knowledge of the science in six lessons of an hour each. Dr. Lowell Mason was a teacher in the institutes during my entire period of service, although he offered to retire on ac-



count of age. He was an excellent teacher, and in the art practically, perhaps, the best of all. Professor William Russell was the teacher of elocution. His recitations were good, as were his criticisms on language, but as a teacher, he had not a high rank. After the retirement of Professor Agassiz, I employed Sanborn Tenney, a young man of great industry and enthusiasm. He had in him the promise of a great career in natural science, but he died prematurely in the State of Michigan while upon a lecturing tour. From first to last I had the benefit of a good corps of teachers with a single exception. In drawing I inherited from Dr. Sears a young man of English parentage. His statements were so extraordinary often, that I lost confidence in him. One day he wandered from his subject and indulged himself in denunciations of the English aristocracy. He closed with this remark: "Although I belong to the haristocracy, I 'ate 'em!" At the end of the autumn term, I dismissed him.

During my service as Secretary, I made the acquaintance of several persons whom I should not otherwise have known. Among them were President Hopkins of Williams College, President Hitchcock of Amherst College, and President Felton of Harvard College. Hopkins might properly be termed a wise man. He resembled President Walker who for several years presided over Harvard. Felton was a genial man, of sufficient learning for his office, and exceedingly popular with the students and with the public. It was during his administration that I was elected to membership in the American Academy of Arts and Sciences, through his influence, and the influence of the professors at the College.

I resigned the office of Secretary, January 1, 1861, with the purpose of resuming the practice of law. During my term of office, I prepared five annual reports, the last of which, the twenty-fourth in the Series, was devoted to an analysis

of the school laws with a history of the educational and reformatory institutions of the State. I also published a volume of educational papers, which had a considerable sale, especially in the State of Ohio, where a copy was ordered for each school library.

## XXIII

### PHI BETA KAPPA ADDRESS AT CAMBRIDGE

**A**BOUT ten days before the 18th of June, 1861, Judge Hoar called at my office and invited me to deliver the Phi Beta Kappa oration at Cambridge on the 18th of the month. Although I had but little time for preparation, I accepted the invitation upon the understanding, or rather upon his request, that I was to deal with the questions then agitating the country. Among my hearers was the venerable Josiah Quincy, formerly President of the College. My address was so radical that the timid condemned it, and even Republican papers deprecated the violence of my language—they then living in the delusion that concessions, mild words and attitudes of humility could save the Union. Mr. Quincy was not of those. He gave to my address unqualified support, and I had no doubt that the majority of my audience sympathized with my views. There were, however, copper-heads, and peace-men at any price, and gradually there appeared a more troublesome class of men who professed to be for the prosecution of the war, but criticised and condemned all the means employed. They were the hypocrites in politics—a class of men who affect virtue, and who tolerate and protect vice in government.

My address was called "The Conspiracy—Its Purpose and Power," and as far as I know, it was the first time that emancipation was demanded publicly, as a means of ending the war and saving the nation. The demand was made in

a qualified form, but I renewed it in the December following in an address that I delivered before the Emancipation League. This address gave rise to similar or even to severer criticisms from the same classes. They were never a majority in Massachusetts, but they had sufficient power to impair the strength of the State, and in 1862 under the style of the People's Party, they endangered the election of Governor Andrew.

These criticisms made no impression upon me, for my confidence was unbounded that emancipation was inevitable and I was willing to wait for an improved public opinion.

I quote a portion of my remarks at Cambridge, which gave rise to criticism in some quarters, and provoked hostility among those whose sympathies were with the South:

"The settlers at Jamestown and Plymouth did not merely found towns or counties or colonies, or States even; they also founded a great nation, and upon the idea of its unity.

"Their colonial charters extended from sea to sea. Their origin, their language, their laws, their civilization, their ideas, and now their history, constitute us one nation. In the geological structure of this continent, Nature seems to have prepared it for the occupation of a single people. I cannot doubt, then, that continental unity is the great, the supreme law of our public life.

"A division such as is sought and demanded by those who carry on this war would do violence to our traditions, to our history, to those ideas that our people, South and North have entertained for more than two centuries, and to the laws of Nature herself. An agreement such as is desired by the discontented would only intensify our alienations, embitter the strife, and protract the war upon subordinate and insignificant issues. Separation does not settle one difficulty at present existing in the country; while it furnishes occasion, and

necessity even, for other controversies and wars, as long as the line of division remains.

“Nor can we doubt, that when, by division, you abandon the Union, acknowledge the Constitution to be a failure, the contest would be carried on regardless of State sovereignty, and finally end in the subjugation of all to one idea and one system in government. Whatever may stand or fall, whatever may survive or perish, the region between the Atlantic and the Rocky Mountains, between the great lakes and the Gulf of Mexico, is destined to be and to continue under one form of government.”

. . . . .

“If your victories are not followed by a revolution in public opinion, if your authority is not re-established in the seceded States by the assent thereto of a majority of the people, if they still regard themselves as aliens, and beyond your legitimate jurisdiction, then, inasmuch as the enjoyment of the right of the nation to exist is the supreme necessity of all, as the safety of the capital is essential to the enjoyment of that right, as the presence of slavery in Maryland and Virginia is inconsistent with the safety of the capital, no alternative remains but to provide for the extinction of slavery in those States at such times and upon such conditions, always including compensation to the masters who are not under the ban of the law of treason, as may be compatible with the welfare of the States themselves and the preservation of the Union.”

I advanced a step further in December, as will be seen from the extracts from my speech on Emancipation :

“I say, then, it is a necessity that this war be closed speedily. By blockade it cannot be; by battle it may be; but we risk the result upon the uncertainty whether the great

general of this continent is with them or with us. I come, then, to emancipation. Not first,—although I shall not hesitate to say, before I close, that as a matter of justice to the slave, there should be emancipation,—but not first do I ask my countrymen to proclaim emancipation to the slaves in justice to them, but as a matter of necessity to ourselves; for, unless it be by accident, we are not to come out of this contest as one nation, except by emancipation. And first, emancipation in South Carolina. Not confiscation of the property of rebels: that is inadequate longer to meet the emergency. It might have done in March or April or May, or possibly in July; but, in December, or January of the coming year, confiscation of the property of the rebels is inadequate to meet the exigency in which the country is placed. You must, if you do anything, proclaim at the head of the armies of the republic, on the soil of South Carolina, FREEDOM,—and then enforce the proclamation as far and fast as you have an opportunity; and you will have opportunity more speedily than you will if you attempt to invade South Carolina without emancipating her slaves. Unsettle the foundations of society in South Carolina; do you hear the rumbling? Not we, not we, are responsible for what happens in South Carolina between the slaves and their masters. Our business is to save the Union; to re-establish the authority of the Union over the rebels in South Carolina; and, if between the masters and their slaves collisions arise, the responsibility is upon those masters who, forgetting their allegiance to the Government, lent themselves to this foul conspiracy, and thus have been involved in ruin. As a warning, let South Carolina be the first of the States of the Republic in which emancipation to the enslaved is proclaimed.”

I left home for Washington the Monday following the Sunday when the first battle of Bull Run was fought. When

near New Haven, the conductor brought me a copy of a press despatch which gave an account of the engagement and indicated or stated that the rebels had been successful. On the seat behind me were two men who expressed their gratification to each other, when they read the despatch over my shoulder. When I had a fair view of them, I formed the opinion that they were Southern men returning South to take part in the conflict. It is difficult to comprehend the control which the States' Rights doctrine had over the Southern mind. In my conversations with General Scott the influence which the course pursued by Virginia exercised over him was apparent. Those conversations left upon me the impression that he had debated with himself as to the course he ought to pursue. Attachment to Virginia was the sole excuse which Lee offered in his letter to his sister which contained a declaration that there was no just cause for secession.

In July, 1861, Washington was comparatively defenceless. Mr. Lincoln was calm, but I met others who were quite hopeless of the result.

My speech upon Emancipation in December, 1861, led to a request from the publishers of the *Continental Magazine* for an article upon the subject. It appeared in February, 1862, and in that article I set forth the necessity of immediate emancipation as a war measure, and by virtue of the war power, under the title, "Our Danger, and Its Cause." Rapid changes were then taking place in public opinion, and in Massachusetts the tide was strong in favor of vigorous action. It was arrested temporarily in the summer of 1862, by the untoward events of the war, and the "People's Party" became formidable for a brief season.

One of the peculiar circumstances of the contest was the acceptance by General Devens of the post of candidate for Governor by the People's Party. General Devens was then in the army, and with considerable experience he had

shown the qualities of a good soldier. But he was not a Republican. In other days he had been a Webster Whig, and as marshal of the district of Massachusetts he had had charge officially of the return of the negro Sims to slavery.

This act had brought down upon him criticisms, quite like maledictions, from the Anti-Slavery Party. By these criticisms he had been embittered, and although he was hearty in his support of the war, he had not then reached a point in his experience when he could realize that the only efficient way of supporting the war was to support the Republican Party.

At a later period he identified himself with the Republican Party, and as a Republican he filled with honor a place upon the bench of the Supreme Court of Massachusetts, and upon the election of President Hayes, he was made Attorney-General of the United States. That office he filled with tact, urbanity, and reasonable ability. He belonged to a class of orators of which Massachusetts has furnished a considerable number—Mr. Everett was the chief. His disciples or followers included Hillard, Burlingame, Bullock, Devens, Long, and some others of lesser note. The style of these men was attractive, sometimes ornate, but lacking in the force which leaves an indelible impression upon the hearer.



## XXIV

### THE PEACE CONVENTION OF 1861

**I**N the month of January, 1861, the State of Virginia invited the States to send delegates to a congress or convention to be held in the city of Washington. The call implied that the Union was a confederation of States as distinguished from an independent and supreme and sovereign government, set up and maintained by the people of the whole country, except as the States were made the servants of the nation for certain specified purposes. There was hesitation on the part of Massachusetts, and some of the States of the North declined to respond to the call. After delay, Governor Andrew appointed John Z. Goodrich, Charles Allen, George S. Boutwell, T. P. Chandler, F. B. Crowninshield, J. M. Forbes, and Richard P. Waters as commissioners to the convention.

The meeting was held on the 6th of February in Willard's Hall, in the city of Washington. The door upon the street was closed, and the delegates were admitted from Willard's Hotel through a side door, cut for the purpose. The entrance was guarded by a messenger, and only members were admitted. There were no reporters, but Mr. Chittenden, of Vermont, made notes from which he prepared a volume that was published, but not until several years after the congress had ceased to exist. A few of the members furnished him with reports of their speeches, but not always in the language used at the time of delivery. My memory of what was said by Mr. Chase and Mr. Frelinghuysen did not correspond with the Chittenden Report. As the Convention had been in

session several days when the Massachusetts delegation appeared, we were assigned to seats that were remote from the chair.

The convention was composed of three classes of men. Secessionists, led by John Tyler, the president of the convention, Seddon of Virginia, and Davis and Ruffin of North Carolina; border State men from Virginia, Maryland, Ohio, Pennsylvania, Illinois, and Kentucky, who had faith in differing degrees that the Union might be saved, and war averted; and radical men who had no faith that anything could be done by which the Union could be saved, except through war. Soon after my arrival in Washington, I called on a Sunday upon Mr. Seddon. We had a free conversation. He said:

"It is of no use for us to attempt to deceive each other. You have one form of civilization, and we have another. You think yours is the best for you, and we think that ours is the best for us. But our culture is exhausting, and we must have new lands. One part of your people say that Congress shall exclude slavery from the territories, and another set of men say that it will be excluded by natural laws. Under either theory, somebody must go, and if we can't go with our slaves, we must go without them and our country will be given up to the negroes."

With the system of slavery, and in the absence of knowledge of the value of manufactured fertilizers, this was not an unreasonable view. Looking forward a hundred years and assuming the continued existence of slavery, there was no conclusive solution of the problem presented by Mr. Seddon. But he did not seem to consider that he was warring against nature as well as against the Union in his attempt to extend the area of slavery. His efforts, had they been successful, could only have postponed the crisis for a period not definite, but surely not of long duration. When the Confederacy was

formed, Mr. Seddon became Secretary of War, and when the war was over, I recognized his friendship by securing the removal of his disabilities under the Fourteenth Amendment. Of the Secessionists, Mr. Seddon was the leading man upon the floor of the convention. It was manifest that he did not wish to secure the return of the seceded States. On one point he was anxious, and he did not attempt to disguise his purpose. He sought to secure from the convention, or if not from the convention, from the delegates from the Republican States, an assurance that in no event should there be war. One of the errors, indeed, the greatest error, was the failure of the Northern delegates to assert that in no event should the Union be dissolved except through the success of the South in arms. As far as I remember, this was not asserted by any one except myself.

Many expressed their fear of war and urged the convention to agree to some plan of settlement as the only means of averting war. Mr. Stockton, of New Jersey, went so far as to assert that in case of war the North would raise a regiment to aid the South as often as one was raised to assail it. Mr. Chase's remarks on the floor of the convention indicated a disposition to allow the South to go without resistance on our part, and in a conversation that I had with him as we walked one evening on Pennsylvania Avenue, toward Georgetown, he said:

"The thing to be done is to let the South go."

The interest of the convention centered upon the Committee of Thirteen, of which Mr. Guthrie was chairman. While the Committee of Thirteen was considering what should be done, Mr. John Z. Goodrich said that he had called upon Mr. Seward, and that Mr. Seward expressed a wish to see me. I had not the personal acquaintance of Mr. Seward, and Mr. Goodrich offered to take me to Mr. Seward's house. We called in the evening. His conversation and bearing were

different from the conversation and bearing of most of the public men of the time. He spoke as though the subject of conversation was the chance of a client and the means of bringing him safely out of his perils. He spoke of the speech he had made in the Senate and said :

“ My speech occupies the mind of the South for the present : then the proceedings of the Peace Congress will attract attention, and by and by we shall have the President’s inaugural which will probably have a good influence.”

He did not assume the possibility of war. Before we left he asked me whether I had seen a certain number of the *Richmond Enquirer*. I said that I had not. He sent for it, and gave it to me with the request that I should return it after reading the leading editorial. The editorial was upon Mr. Seward, and it was written upon the theory that he was engaged in a scheme for delaying definite action in Virginia and the other States of the South, until the inauguration of Mr. Lincoln, when he would use both whip and spur. From the conversation and the editorial I inferred that he intended to have me understand that such was his purpose. It is possible he may have thought that war could be averted by dilatory proceedings.

When the report of the Committee of Thirteen was made, the border State men had high hopes that the country, both North and South, would accept its recommendations. In truth, there was no ground for believing that the Secessionists or the anti-slavery Republicans, would accept the propositions. The recommendations were more offensive to the North than the original constitution, with all the compromise legislation, considered together.

I think that there were five speeches made in support of the resolutions before a speech was made in opposition, and it fell to me to make that speech. One morning there was a conference between the Massachusetts delegation, which was

composed of radical men only, and the radical members of the New York delegation, at which it was agreed that a speech should be made in opposition, and that Massachusetts should lead. The duty was put upon me, accompanied with the suggestion that I should speak that day. I had not made any preparation, but during the time that I had occupied a seat in the convention, my conviction had been strengthened that it was impossible to adopt any plan that would be acceptable to the contending parties, and consequently that any scheme of compromise that could be framed would result in a renewal of the controversy, under circumstances less favorable to the North. At that moment the government was in the hands of men who were incapable of decisive action. While we could not count upon active measures against secession on the part of Mr. Buchanan, on the other hand, the country had ample assurance that he would do nothing in aid of the unlawful proceeding. That he had declared in his message of December, 1860. Beyond that, we had a right to assume that Mr. Lincoln would maintain the Union by force. Hence, I resolved to say that no scheme would be accepted by us which did not contain an abandonment of the doctrine of secession, an acknowledgment of the legality of Mr. Lincoln's election, and a declaration that it was the duty of the whole body of citizens to render obedience to the Government. I very well knew that these terms would be rejected with scorn, as I well knew that any other terms would be rejected. Conspirators are never disposed to make terms with the party or person against whom their conspiracy is aimed, until the conspiracy has failed. Hence it was that those who humbled themselves in the dust were treated with contumely, even more offensive than the invectives which the conspirators showered upon the heads of those who neither proffered nor accepted terms of compromise.

Mr. Chittenden's report is accurate in respect to the views

that I presented, but it is incomplete, as I spoke about an hour. When I began to speak, I advanced slowly up the aisle until I could look into the faces of the Virginia delegation, who occupied the settee next to the president's desk. Mr. William C. Rives was one of the Virginia delegation, a Union man, who sympathized with the border State men, and hoped by some concession to avert war. When I said that if the South persisted in secession, "the South would march its armies to the Great Lakes, or we should march ours to the Gulf of Mexico," the tears came into his eyes. My remark that the North abhorred the institution of slavery, wounded the Southern men sorely. They were not indignant, but grieved rather. At any rate, such was their aspect, and for many days the remark was repeated or referred to with the hope, apparently, of inducing me to retract or qualify it. I allowed it to stand as a truth which they might well accept.

When the day came for a final vote upon the first resolution relating to slavery as reported by the Committee of Thirteen, a meeting of the New York delegation was called in consequence of the engagement of David Dudley Field to argue a case in the Supreme Court. Mr. Field was one of the six Republican members, and associated with them were five Democrats and Conservatives.

As each State had one vote, his absence would set New York out of the contest unless the Democrats would agree that Mr. Field's vote should be counted in his absence. This proposition the Democrats refused to accept, and they gave notice that the vote of New York would be lost unless Mr. Field remained and voted. Mr. Field left, and the vote of the State was lost. There were twenty-one States represented, including Kansas, which was in a territorial condition when the convention assembled, and the Territorial Governor had sent a Conservative, Mr. Thomas Ewing, Jr. His father was a member from Ohio. When the State government of

Kansas was organized, the Governor delegated a Republican. Both were allowed seats, although manifestly, Mr. Ewing should have retired.

When the vote was declared, it appeared that eight States had voted in the affirmative, and eleven States in the negative. The border State men were sorely disappointed, and some of them wept like children. The result they must have anticipated, but they had been wrought to a high condition of nervous excitement, due in part to the circumstance that they were unable to discuss the business of the convention in public. The disagreeable silence which followed the announcement of the vote, was broken by Mr. Francis Granger, who counseled calmness and deliberation, and finally, he appealed to the States of the majority to move a reconsideration. This was done by the State of Illinois, through Mr. Turner, who made the motion. The next day the resolution was adopted by a vote of nine to eight. Upon this question the Missouri delegation refused to vote, under the lead, it was said, of General Doniphan, who denounced the resolutions as not satisfactory to either side. Doniphan was a large, muscular man, who acquired some fame in the Mexican War as the leader of a cavalry expedition to California, of which nothing was heard for about six months.

The reconsideration was attributed to the interference of Mr. Lincoln or of his recognized friends.

When the convention was about to adjourn, President Tyler made a speech in which he thrice invoked the blessing of Heaven upon the doings of the convention, and from that act he went to Richmond, and in less than three days he was an avowed and recognized leader in secession. Indeed, it was understood in the convention that Mr. Seddon was his representative on the floor. The doings of the Congress were endorsed by Maryland, but in the National Congress, and in the States North and South they were neglected utterly. The re-

sult which Mr. Seward anticipated was not realized by the country.

After the arrival of Mr. Lincoln the Massachusetts delegation called upon him to recommend the selection of Mr. Chase for the Treasury Department in preference to General Cameron, and to say that the capitalists of the East would have more confidence in the former than in the latter. Mr. Lincoln did not say what his purposes were, but he made this remark:

"From what I hear, I think Mr. Chase is about one hundred and fifty to any other man's hundred."

On the Saturday next but one, preceding the 4th of March, we called upon Mr. Buchanan at about eleven o'clock in the morning. He said that he should prefer to see us in the evening. In the evening we found him alone. He at once commenced conversation, which he continued with but slight interruptions on our part. His chief thought seemed to be to avert bloodshed during his administration. Next, he thought he had been wronged by both sections. Said he:

"When I rebuked the North for their personal-liberty bills, the South applauded; but when I condemned the secession movement, then they turned against me."

He referred to the *Charleston Mercury* as having been very unjust, and then putting his feet together, and with his head on one shoulder, he said:

"I am like a man on a narrow isthmus, without a friend on either side."

Within a few days of this interview, we called upon General Cass, who was then living in a house that is now annexed to the Arlington Hotel. He had retired from the Cabinet of Mr. Buchanan, and he had regained something of his standing in the North, but he had been so long the advocate of compromises and the servant of the slave power, that he was unable to place himself in line with the movement that was destined to destroy slavery. The slave power had more vitality than slav-



ery itself; and after a third of a century its poison still disturbs the politics of the country. The call was made in the forenoon. General Cass sat at a small, plain table, engaged in writing. He was in a large room, from which the furniture, including the carpets, had been removed. He said that he had been kept in Washington by the illness of his daughter, and that upon her improvement he should leave for Michigan. He was dressed in a much worn suit of black—his shirt had seen more than one day's service—he had not been shaved recently, and his russet-colored wig was on awry. The room had an aspect of desolation, and General Cass appeared like a man for whom life had nothing of interest. As soon as the ceremony of introduction was over, he commenced walking and talking, while the tears ran down his wan and worn cheeks. He gave us an account of his early life, of his residence in Virginia, and then he said:

"I crossed the Ohio with only a dollar in my pocket. I went to Michigan. I was four times Governor of the Territory, and on more than one occasion I was confirmed by the Senate without a single dissenting vote. I have been a Senator, and Minister to France; and I am going home to Michigan to die. If I wanted the office of constable, there isn't a town in the State that would elect me."

He reminded me of Cardinal Wolsey, rather than of the Senator, Minister to France, and Secretary of the Department of State that he had been. He spoke of his course in politics, the substance of which was that he had always opposed secession and nullification, although he had maintained the right of the States to hold slaves if they chose to tolerate the institution.

General Cass was the last of the statesmen of the middle period of our history whom it was my fortune to meet. As a whole, and as individuals their fortunes were unenviable. They struggled against the order of things. They accom-

plished nothing, unless it may be said of them, that they kept the ship afloat. Their memories deserve commiseration, possibly gratitude. No effort of theirs could have secured the abolition of slavery. Any vigorous movement in that direction would have ended in the destruction of the government. From John Adams to Lincoln, only three important measures remain: The acquisition of Louisiana, the acquisition of California, and the Independent Treasury Bill. The war of 1812 was unwise, and in conduct it was weak. The policy of that middle period in regard to paper money, to internal improvements, in regard to the protection of domestic industry, and in regard to slavery has been set aside or overthrown by the better judgment of recent years. Yet so much are statesmen and parties the servants or victims of events, that our opinions should be tolerant of the men who kept the system in motion. Slavery was an inheritance, and time was required for its destruction.

I returned to Massachusetts without waiting for the inauguration.

As I spoke in the convention upon the request of the Republican members of the New York delegation, and as the Representative of the Massachusetts delegation; and as my remarks were not criticized adversely by either party, I reproduce the speech as it was reported by Mr. Chittenden:

#### SPEECH IN PEACE CONVENTION

I have not been at all clear in my own mind as to when, and to what extent, Massachusetts should raise her voice in this convention. She has heard the voice of Virginia, expressed through her resolutions, in this crisis of our country's history. Massachusetts hesitated, not because she was unwilling to respond to the call of Virginia, but because she thought her honor touched by the manner of that call and the circumstances attending it. She had taken part in the election

of the 6th of November. She knew the result. It accorded well with her wishes. She knew that the government whose political head for the next four years was then chosen was based upon a Constitution which she supposed still had an existence. She saw that State after State had left that government,—seceded is the word used,—had gone out from this great confederacy, and that they were defying the Constitution and the Union.

Charge after charge has been vaguely made against the North. It is attempted here to put the North on trial. I have listened with grave attention to the gentleman from Virginia to-day; but I have heard no specification of these charges. Massachusetts hesitated, I say: she has her own opinions of the Government and the Union. I know Massachusetts; I have been into every one of her more than three hundred towns; I have seen and conversed with her men and her women; and I know there is not a man within her borders who would not to-day gladly lay down his life for the preservation of the Union.

Massachusetts has made war upon slavery wherever she had the right to do it; but, much as she *abhors* the institution, she would sacrifice everything rather than assail it where she has not the right to assail it.

Can it be denied, gentlemen, that we have elected a President in a legal and constitutional way? It cannot be denied; and yet you tell us, in tones that cannot be misunderstood, that, as a precedent condition of his inauguration, we must give you these guarantees.

Massachusetts hesitated. not because her blood was not stirred, but because she insisted that the government and the inauguration should go on in the manner that would have been observed had Mr. Lincoln been defeated. She felt that she was touched in a tender point when invited here under such circumstances.

It is true, and I confess it frankly, that there are a few men at the North who have not yielded that support to the grand idea upon which this confederated Union stands that they should have yielded; who have been disposed to infringe upon, to attack certain rights which the entire North, with these exceptions, accords to you. But are you of the South free from the like imputations? The John Brown invasion was never justified at the North. If, in the excitement of the time, there were those to be found who did not denounce it as gentlemen think they should, it was because they knew it was a matter wholly outside the Constitution,—that it was a crime to which Virginia would give adequate punishment.

Gentlemen, I believe—yes, I know—that the people of the North are as true to the government and the Union of the States now as our fathers were when they stood shoulder to shoulder upon the field, fighting for the principles upon which that Union rests. If I thought the time had come when it would be fit or proper to consider amendments to the Constitution at all, I believe that we should have no trouble with you, except upon this question of slavery in the Territories. You cannot demand of us at the North anything that we will not grant, unless it involves a sacrifice of our principles. These we shall not sacrifice; these you must not ask us to abandon. I believe, further,—and I speak in all frankness, for I wish to delude no one,—if the Constitution and the Union cannot be preserved and effectually maintained without these new guarantees for slavery, then the Union is not worth preserving.

The people of the North have always submitted to the decisions of the properly constituted powers. This obedience has been unpleasant enough when they thought those powers were exercised for sectional purposes; but it has always been implicitly yielded. I am ready, even now, to go home and say that, by the decision of the Supreme Court, slavery exists in all the Territories of the United States. We submit to the

decision, and accept its consequences. But, in view of all the circumstances attending that decision, was it quite fair, was it quite generous, for the gentleman from Maryland to say that under it, by the adoption of these propositions, the South was giving up everything, the North giving up nothing? Does he suppose the South is yielding the point in relation to any territory which, by any probability, would become slave territory? Something more than the decision of the Supreme Court is necessary to establish slavery anywhere. The decision may give the *right* to establish it: other influences must control the question of its actual establishment.

I am opposed, further, to any restrictions on the acquisition of territory. They are unnecessary. The time may come when they would be troublesome. We may want the Canadas. The time may come when the Canadas may wish to unite with us. Shall we tie up our hands so that we cannot receive them, or make it forever your interest to oppose their annexation? Such a restriction would be, by the common consent of the people, disregarded.

There are seven States out of the Union already. They have organized what they claim is an independent government. They are not to be coerced back, you say. Are the prospects very favorable that they will return of their own accord? But *they* will annex territory. They are already looking to Mexico. If left to themselves, they would annex her and all her neighbors, and we should lose our highway to the Pacific coast. They would acquire it, and to us it would be lost forever.

The North will consider well before she consents to this, before she even permits it. Ever since 1820, we have pursued, in this respect, a uniform policy. The North will hesitate long, before, by accepting the condition you propose, she deprives the nation of the valuable privilege, the unquestionable right, of acquiring new territory in an honorable way.

I have tried to look upon these propositions of the majority of the committee as true measures of pacification. I have listened patiently to all that has been said in their favor. But I am still unconvinced, or, rather, I am convinced that they will do nothing for the Union. They will prove totally inadequate; may perhaps be positively mischievous. The North, the free States, will not adopt them,—will not consent to these new endorsements of an institution which they do not like, which they believe to be injurious to the interests of the republic; and if they did adopt them, as they could only do by a sacrifice of principles which you should not expect, the South would not be satisfied: the slave States would not fail to find pretexts for a course of action upon which I think they have already determined. I see in these propositions anything but true measures of pacification.

But the North will never consent to the separation of the States. If the South persist in the course on which she has entered, we shall march our armies to the Gulf of Mexico, or you will march yours to the Great Lakes. There can be no peaceful separation. There is one way by which war may be avoided, and the Union preserved. It is a plain and a constitutional way. If the slave States will abandon the design which we must infer from the remarks of the gentleman from Virginia they have already formed, will faithfully abide by their constitutional obligations, and remain in the Union until their rights are in *fact* invaded, all will be well. But, if they take the responsibility of involving the country in a civil war, of breaking up the government which our fathers founded and our people love, but one course remains to those who are true to that government. They must and will defend it at every sacrifice—if necessary, to the sacrifice of their lives.

At the close of the session, and upon the request of my associates upon the commission, I wrote a report to Governor

Andrew, which was signed by all the members of the delegation. Governor Andrew submitted the report, with his approval, to the Legislature the 25th day of March.

The character of the convention, and something of the condition of the country may be gathered from the following extracts from the report:

“ The resolutions of the State of Virginia were passed on the 19th of January; and it was expected that within sixteen days thereafter the representatives of this vast country would assemble for the purpose of devising, maturing, and recommending alterations in the Constitution of the Republic. As a necessary consequence, the people were not consulted in any of the States. In several, the commissioners were appointed by the executive of each without even an opportunity to confer with the Legislature; in others, the consent of the representative body was secured, but in no instance were the people themselves consulted. The measures proposed were comparatively new; the important ones were innovations upon the established principles of the Government, and none of them had ever been submitted to public scrutiny. They related to the institution of slavery; and the experience of the country justifies the assertion that any proposition for additional securities to slavery under the flag of the nation, must be fully discussed and well understood before its adoption, or it will yield a fearful harvest of woe in dissensions and controversies among the people. Nor could the undersigned have justified the act to themselves, if they had concurred in asking Congress to propose amendments to the Constitution unless they were prepared also to advocate the adoption of the amendments by the people.

“ It is due to truth to say that the Convention did not possess all the desirable characteristics of a deliberative assembly. It was in some degree disqualified for the performance of the important task assigned to it, by the circumstances of its consti-

tution, to which reference has already been made. Moreover, there were members who claimed that certain concessions must be granted that the progress of the secession movement might be arrested; and on the other hand there were men who either doubted or denied the wisdom of such concessions.

“ The circumstances were extraordinary. Within the preceding ninety days the integrity of the Union had been assailed by the attempt of six States to overthrow its authority; seven other States were disaffected, and some of them had assumed a menacing and even hostile attitude. The political disturbances had been associated with or followed by financial distress.

“ The Convention was then a body of men without a recognized and ascertained constituency, called together in an exigency and without preparation, and invited to initiate measures for the amendment of the Constitution in most important particulars, and all at a moment when the public mind was swayed by fears and alarms such as have never before been experienced by the American people.

“ In these circumstances the undersigned thought it inexpedient to propose amendments to the Constitution, believing that so important an act should not be initiated and accomplished without the greatest deliberation and care. Nor could the undersigned satisfy themselves that any or all of the proposed amendments would even tend, in any considerable degree, to the preservation of the Union. Although inquiries were repeatedly made, no assurance was given that any proposition of amendment would secure the return of the seceded States; and it was admitted that several of the border States would ultimately unite with the Gulf States, either within or without the limits of the Union, as might be dictated by events yet in the future. Indeed, no proposition was in any degree acceptable to the majority of delegates from the border slave States that did not provide for the extension of slavery to the Territories, and its protection and security therein.”



## XXV

### THE OPENING OF THE WAR

**W**HEN the call was made for seventy-five thousand men, the Sixth Regiment of Massachusetts was one of the first to respond. On the night of the 16th of April some, if not all, of the regiment, were quartered in Boston. I called upon Company B, of Groton, then in the hall over the Williams Market. I found that they understood that the movement meant war and duty. One of the men said to me:

“Some of us will never see Massachusetts again.”

After the affair in Baltimore on the 19th of April, Governor Andrew asked me to go to Washington with despatches for Mr. Lincoln and General Scott. The message was communicated to me through Mr. John M. Forbes. In his letter of request and appointment Governor Andrew said:

“We need your information, influence and acquaintance with the Cabinet, and knowledge of Eastern public sentiment, to leave immediately for Washington. Hope you will proceed at once and open and preserve communication between you and myself.” This letter was dated April 22. Under the same date the Governor wrote to President Lincoln:

“Ex-Governor Boutwell has been appointed Agent of the commonwealth to proceed to Washington to confer with you in regard to the forts in Massachusetts and the militia.” I was instructed also to see General Wool in New York. I received a package of letters, the contents of which were disclosed to me, one hundred dollars in gold, and a small re-

volver loaded.\* I took with me a young man named Augustus Bixby, who then lived in Groton, but who had seen something of the world, and was not daunted by the uncertainties of life. He was afterwards a cavalry officer. During the war I one day read in the papers that Bixby had been promoted for gallantry in an affair in the Shenandoah Valley. Within a few days after I met him in Washington on a crutch, or walking with the help of a cane. He had been wounded in the contest. I said:

“Bixby, what did you do?” He replied:

“I don’t know, except I sailed in.”

At New York I telegraphed Vice-President Hamlin, then in Maine, that he should come as far South as New York, that he might be in a situation to act in case of the death or capture of Mr. Lincoln, of whom we then knew nothing. At New York, April 24, I telegraphed Governor Andrew: “General Wool and Vice-President Hamlin are in favor of your taking the responsibility of sending two regiments to take charge of the forts, and to furnish and arm three vessels for the protection of the coast. You can exercise the power, under the circumstances, better than anyone else.” The same day I sent this despatch: “Send without delay a steamer with provisions for General Butler’s command at Annapolis.”

At Perryville, at the mouth of the Susquehanna, I sent Bixby with the despatches by the first boat to Annapolis, with

\* This revolver gave me and my friend, Ebenezer F. Stone, then Adjutant-General of the State, more anxiety than all things else connected with the expedition. It never occurred to me to return the pistol. I discharged the barrels and laid the weapon away, only too glad to have it out of sight. Some years after the war, the Adjutant-General’s department was investigated, and a shortage of arms was discovered. I received a letter asking me if I had a pistol belonging to the State. I returned the weapon which I neither wanted nor needed, and to that extent I relieved General Stone.

instructions to make his way to Washington at the earliest moment. I followed in the next boat. Upon my arrival at General Butler's headquarters, I learned that Bixby had left on foot. As the troops were at work in re-laying the track, there was no danger. Indeed, the small squads of men who had burned bridges and torn up tracks disappeared upon the arrival of troops. At nine o'clock in the evening, a train, the first train, carrying the New York Sixty-ninth Regiment, left for Annapolis Junction, at which place we arrived at one o'clock in the morning. The only light upon the train was the headlight, and we moved only the length of the train at each inspection of the road. I made a pillow of my small valise, and a bed of my blanket, and camped on the floor of one of the small houses at Annapolis Junction. In the morning I found Colonel Butterfield of the New York Twelfth and Colonel Scott, a nephew of General Scott, who assumed the direction of affairs. He afterwards joined the rebels. I observed also that our encampment was commanded by hills on the north and east, and Colonel Butterfield informed me that the picket line was a long way inside the base of the hills. At about six o'clock in the evening, a train with troops and three civilians was made ready for Washington. The American flag was displayed at many of the houses on the line of the road.

I arrived in Washington the 27th day of April. I annex a copy of a letter that I wrote to Governor Andrew the day following:

WASHINGTON, April 28, 1861.

To His Excellency Governor Andrew.

Sir:—I arrived in Washington to-day, after a journey of forty-eight hours from Philadelphia by Annapolis. There have been no mails from the North for a week; and you may easily understand, that the mighty public sentiment of the Free States is not yet fully appreciated here.

The President and Cabinet are gaining confidence; and the measures of the Administration will no longer be limited to the defence of the capital. Secretary Welles has already sent orders to Captain Hudson to purchase six steamers, with instructions to consult you in regard to the matter. I regret that the Secretary was not ready to put the matter into the hands of commissioners, who would have acted efficiently and promptly.

Mr. Welles will accept, as a part of the quota, such vessels as may have been purchased by Mr. Forbes.

Senator Grimes of Iowa will probably give Mr. Crowninshield an order for arms. The United States Government may do the same; but no definite action has yet been taken.

Martial law will be proclaimed here to-morrow. Colonel Mansfield will be appointed general, and assigned to this district. He is one of the most efficient officers in the country.

Baltimore is to be closed in from Havre-de-Grace, from the Relay House, from the Carlisle line, and by an efficient naval force. She will be reduced to unconditional submission. The passage of the troops through Maryland has had a great moral effect. The people are changing rapidly in the country places. Many instances of a popular revolution, in towns through which troops have passed or been stationed, have come to my knowledge. I came to Washington with the Twelfth New York Regiment; and from Annapolis Junction there were cheers from three fourths of the houses by the wayside.

Everything appears well at Annapolis, where General Butler commands in person. There is a large body of troops, the people are gradually gaining confidence in the army and the Government, and the regulations seem to be effective. General Butler is popular with the officers whom I met. He has taken command of the highlands that command the town and the encampment. All sorts of rumors are spread among

the troops concerning an attack upon the Annapolis Station; but the place can be defended under any conceivable circumstances. I am sorry to say, that everything is in confusion at Annapolis Junction, and a moderate force might, in a single night, break off the connection of this city with the North. It is at present a military station without a permanent head. Each colonel, as he moves towards Washington, commands for twelve or twenty-four hours. My own belief, however, is, that Maryland will never see two thousand men together as a military organization in opposition to the Government.

I presume that your Excellency has means of obtaining information concerning the condition of Massachusetts men, morally and physically; but, as I am here, I shall try to obtain and transmit any information that seems important. I may say now, that the Eighth Regiment is quartered in the rotunda of the Capitol; and a military man, not of Massachusetts, says, that they are already suffering from the cold and dampness of the place. He advises tents and out-door encampment.

I repeat what is every hour said in my hearing, that Massachusetts has taken her place at the head of the column in support of the Government; and our regiments are everywhere esteemed as noble examples of citizen soldiers. I, for one, feel anxious that everything that is proper should be done.

I have written this communication in great haste; and I have only time to subscribe myself your Excellency's obedient servant.

GEORGE S. BOUTWELL.

The next day I called upon General Scott. It was apparent that he was in no condition to organize or to lead armies. He was lying upon a lounge, and when he arose he walked with his hand upon his hip and gave an account of his wound at the battle of Lundy's Lane. He was national in his views of duty, and he spoke with earnestness in reprobation of the

conduct of Virginia. He spoke also of the efforts that had been made to induce him to go with his State. He seemed like a man without hope, but there were no indications of a lack of fidelity to the country. Aside from the circumstance that he was a native of Virginia and that Virginia was engaged in the Rebellion, it was too much to expect that at his age he could cope with so formidable a movement as the rebellion of eleven States. While I was in Washington I presented to General Scott a young man, Henry S. Briggs, a son of ex-Governor Briggs, whom General Scott had known when Governor Briggs was in Congress. Young Briggs was a lieutenant in the Berkshire regiment, then on duty in Washington. He wished for a corresponding appointment in the regular army. This appointment General Scott secured for him. Afterwards he became colonel of a Massachusetts regiment of volunteers and at the end of the war he was a brigadier-general of volunteers.

I left Washington for Massachusetts May 1. I was delayed a night and until four o'clock the day following at Annapolis, where General Butler was in command. I had my quarters with him, and during the night the long roll was beaten. The troops came out, and I waited for the result, which was the discovery that the call was due to a misunderstanding of the signal rockets. I left Annapolis in a small steam tug that came out of the Raritan Canal. We were buffeted about in the bay by a heavy wind, the captain lost his reckoning, anchored, and the next morning we found ourselves uncomfortably near to the Maryland shore.

The next day, May 2, I reached New York and from there I sent the following letter to Governor Andrew :

NEW YORK, May 2, 1861.

Sir:—I arrived here this afternoon, and I hope to report to you in person Saturday. I had free conversations with the

President, General Scott, Mr. Seward, Mr. Chase, General Cameron, and Mr. Blair, upon public affairs. The impression I received from all, except perhaps Mr. Seward, was favorable to a vigorous prosecution of the war. Mr. Seward repeated his words of December and February. "The crisis is over." It is, however, understood at Washington that Mr. Seward favors vigorous measures. Mr. Chase says that the policy of the Administration is vigorous and comprehensive, as sure to succeed in controlling the Rebellion, and preserving the whole territory of the Union. I will only say now, that I left Washington with a more favorable impression of the policy of the Government than I entertained when I left Boston.

General Cameron agreed to authorize Massachusetts to raise two regiments in addition to that of Dwight. The papers were all made, and only a Cabinet meeting prevented their completion on Tuesday. I did not wish to remain another day, and I left the papers with the chief clerk; and I also received the assurance of Colonel Ripley, that he would give personal and prompt attention to transmitting them to Boston. I shall expect them on Saturday.

Colonel Ripley issued an order on Tuesday for rifling cannon. Mr. Forbes' letter aided very much.

I am very truly your most obedient servant,

GEORGE S. BOUTWELL.

I was in Washington again in the month of May, and I made a third visit the second day after the first battle of Bull Run. At one of these visits I met General Hooker, at Mr. Sumner's quarters on F. Street. He had then recently arrived from California and his appearance indicated poverty. His dress was worn, and his apparel was that of a decayed man of the world. He had called upon Senator Sumner to secure his aid in obtaining the command of a Massachusetts

regiment, he being a Massachusetts man by birth. In the course of the conversation Hooker said that if he could obtain a regiment, he would come to the command of the army, and take Richmond. When he came to the command of the army it seemed possible that his vain boast might be fulfilled in both particulars. The cause of his failure may be the subject of debate, but, at Chancellorsville, his orders were not obeyed. It is probable, however, that Hooker lacked the qualities of a great commander. He inspired his soldiers with enthusiasm, he was brave, and his heart was in the cause. With many faults, he was one of the great soldiers of the war, and with less sensitiveness of spirit he might have been one of its renowned chieftains.

I have obtained from the War Department copies of two letters that I wrote to Gen. Cameron, Secretary of War, dated at Havre de Grace, April 26, 1861. They throw some light on the war movements at that time.

HAVRE DE GRACE, *April 26, 1861.*

HON. SIMON CAMERON :

*Sir:* I have written upon the letter of Governor Andrew, which Mr. Bixby will hand to you.

I cannot too strongly impress upon the Government the importance of authorizing Governor Andrew to procure three steamers for the protection of the coast and to aid in a blockade of the southern ports. The New York merchants are anxious to do the same. I hope you will grant the order. Governor Andrew will put the work of preparation into the hands of our best merchants, who will charge no commissions whatever.

The whole North is wild and determined in its enthusiasm. Should not the Government make another requisition? They will be needed, I fear, and a short and vigorous campaign



round Washington will be advantageous in the highest degree.

I am, very truly, your obedient servant,

GEORGE S. BOUTWELL.

HAVRE DE GRACE, *April 26, 1861.*

HON. SIMON CAMERON :

*Sir:* I have obtained an order from General Wood to garrison the forts and arsenals, but it is of the utmost importance to obtain authority to purchase at least three steamers and equip them for coast defense. This can be done at a moderate cost and the merchants of Boston are anxious to secure so great a protection to commerce. They can be used effectively upon the Southern coast. I trust that you will transmit an order to Governor Andrew by the bearer of this, Mr. Augustus H. Bixby.

I am, your obedient servant,

GEORGE S. BOUTWELL.

## XXVI

### THE MILITARY COMMISSION OF 1862 AND GENERAL FREMONT

**I**N the month of May, or early in June 1862, I received a message from Mr. Stanton asking me to report in Washington, prepared to serve upon a commission at Cairo, Illinois. Upon arriving at Washington, I was informed that it would be the duty of the commission to examine claims that might be preferred against the Government, from the States of Missouri, Kentucky, Illinois, Indiana and Ohio. These claims had arisen from the operations of General Fremont and they were of great variety. At the end the commission were of opinion that he was an expensive commander. Charles A. Dana was chairman of the commission, and Judge Logan, of Springfield, Illinois, an old friend of President Lincoln, was my associate. The health of Judge Logan soon failed, and he was succeeded by Mr. Cullom, afterwards Governor of Illinois, and a member of the United States Senate.

Our life at Cairo was disagreeable to an extent that cannot be realized easily. In the months of June and July the weather was extremely hot. The army of General Grant had quartered in and around the town during the preceding winter. The larger portion of the town inside of the levee, had been covered with water to the depth of several feet. Much of the refuse of the army, including some dead animals, had been left upon the surface of the ground. Sickness was general among the inhabitants. Health was the

exception. We had our quarters upon the levee, and before a long time had passed we organized a mess with General Strong, the officer in command at that point. For myself I drank only tea and water from Iowa ice. With this drink and a moderate diet, I preserved my health. It was our fate each evening to witness and endure a collision of thunder showers, one coming down the Mississippi, and the other down the Ohio.

Late in the afternoon we had the benefit of a trip upon a Government boat up the Ohio as far as Mound City. Once of a Sunday we made a trip to Columbus, Kentucky, then in command of General Quimby, of New York. We there met General Dodge, afterward a member of Congress from Iowa and subsequently a successful railway operator.

At Columbus we had a collation on the boat, where speeches were made by officers and civilians, in support of the war and for emancipation. On our return to Cairo, we were met by the customary evening shower, an unwelcome attendant upon a steamboat excursion.

My acquaintance with Mr. Dana gave me a high opinion of his business habits and faculties, and when General Grant became President and I was in charge of the Treasury, I urged the President to appoint Mr. Dana collector of the port of New York. The President had already selected Mr. Grinnell, but whether he had communicated the fact to Mr. Grinnell I never knew. Moreover, the President had formed an unfavorable opinion of Mr. Dana, arising from some intercourse during the war. Consequently my advice was unavailing. The President said, however, that I might offer him the post of chief appraiser of the port of New York. The offer was declined; and from that time forward Mr. Dana was the President's bitter enemy. As another result, there was no further communication between Mr. Dana and myself. Once I saw him upon a steamer, but we

did not recognize each other. In the year 1887, in consequence of a paragraph in the *New York Sun* in which my name was mentioned, not unkindly, I wrote a brief note to Mr. Dana. Without delay I received from him a long and almost affectionate letter, in which he urged me to let him know when I was in New York, that he might call upon me, and talk over some things old, and some things new.

I called upon him in New York at his office, where we had a pleasant chat of an hour. His office was plain, without carpets, the floor was worn rough, rather than smooth, and the appearance of the rooms was a striking contrast to the editorial rooms of prosperous journalists generally.

My experience at Cairo gave me a poor opinion of Fremont's qualities as a business man, but in the early part of his career he had exhibited capacity of a high order as a bold and successful explorer of the then unknown regions of the Rocky Mountains. He had also exhibited genius as a soldier, which led to high expectations which were not realized when he came to important commands in the Civil War. My studied opinion of General Fremont is contained in an article that I prepared for the American Academy of Arts and Sciences, of which society he was an honorary member :

#### ARTICLE ON GENERAL FREMONT

It is a singular circumstance in the career of John C. Fremont that his important services as an explorer and his contributions to science were brought to a close when he was scarcely more than thirty-four years of age. He was born in the State of Georgia in the year 1813, and from the year 1842 to the year 1846 inclusive, he undertook and carried to a successful result three expeditions from the Mississippi River across the plains, and finally over both chains of the Rocky Mountains to the Pacific Ocean. Mr. Jefferson, dur-

ing his administration had realized the importance of securing "open over-land commercial relations with Asia," as stated in one of his messages to Congress, and, as a preparation for establishing such relations with Asia, he originated and organized the expedition of Lewis and Clarke, whose duty it was to trace the affluents of the Columbia River now known as Snake River and Clarke's Fork.

Fremont's early education was obtained under the charge largely of Dr. John Robertson, a Scotchman, who had been educated at Edinburgh, and who had established himself at Charleston, S. C., as a teacher of the ancient languages. Dr. Robertson says that in the space of a year Fremont read four books of Cæsar, six books of Virgil, nearly all of Horace, and two books of Livy; and in Greek, all the Græca Minora, about half of the Græca Majora, and four books of Homer's Iliad. At the end of a year he entered the Junior Class of Charleston College, where he gained high standing for study and in scholarship; but for insubordination he was expelled from the college.

In 1833 he was appointed teacher of mathematics in the Navy, and made a cruise to South America, which occupied about two and a half years of time. While absent, a law was passed creating the office of professor of mathematics in the Navy, for which Fremont upon his return was examined, and appointed. Without entering upon the duties of the place, he declined the position, and accepted the post of surveyor and railroad engineer upon the railway line between Charleston and Augusta. In 1838 and 1839 he was associated with M. Nicollet, a Frenchman and a member of the Academy of Science, in an exploring expedition over the Northwestern prairies and along the valley of the Mississippi. During his absence, he was appointed by President Van Buren a second lieutenant in the corps of topographical engineers. Upon his return from the Upper Mississippi, and

for the period of a year, he was engaged with Nicollet and Mr. Hassler, then the head of the Coast Survey, in the arrangement of the scientific materials that had been collected during the expedition, and in the preparation of a map and a report. In 1842 he was directed by Colonel Abert, the chief of the topographical corps, to make an exploration of the Northwestern frontier of the State of Missouri to the Rocky Mountains, and with special reference to an examination of what was known as the South Pass in those mountains. This expedition was on a small scale, consisting of twenty-one men only, most of whom were of French extraction. In this expedition he traced the waters of the Platte to the South Pass, which he reached the 8th of August. It was stated by Dr. Linn, then a Senator from the State of Missouri, that "over the whole course of the road barometrical observations were made by Mr. Fremont to ascertain the elevations both of the plains and of the mountains, astronomical observations were made to ascertain latitudes and longitudes, the face of the country was marked as arable or sterile, the facility of traveling and the practicability of routes noted, the grand features of nature described and some represented in drawings, military positions indicated, and a large contribution to geology and botany was made in varieties of plants, flowers, shrubs, trees and grasses, and rocks and earths, which were enumerated." The second expedition of May, 1843, was upon a larger scale, and it was not completed until the month of July, 1844. He was directed to extend his survey across the continent, on the line of travel between the State of Missouri and the tide-water region of the Columbia.

In its execution, much more ground was covered than had been contemplated in the order. Fremont was the first person that visited the basin of the Great Salt Lake who was able to furnish a scientific and accurate description of the region. Von Humboldt, in his work entitled "Aspects of Nature"

(pp. 32-34) has given a summary of the results reached by Fremont in his first and second expeditions, as follows:

"Fremont's map and geographical researches embrace the immense tract of land extending from the confluence of the Kansas River with the Missouri to the cataracts of the Columbia, and the missions of Santa Barbara and the Pueblo de los Angeles in New California, presenting a space amounting to 28 degrees of longitude (about 1,300 miles) between the 34th and 45th parallels of north latitude. Four hundred points have been hypsometrically determined by barometrical measurements, and for the most part astronomically; so that it has been rendered possible to delineate the profile above the sea's level of a tract of land measuring 3,600 miles, with all its inflections, extending from the north of Kansas to Fort Vancouver and to the coasts of the South Sea (almost 720 miles more than the distance from Madrid to Tobolsk). As I believe I was the first who attempted to represent, in geognostic profile, the configuration of Mexico, and the Cordilleras of South America,—for the half-perspective projections of the Siberian traveler, the Abbe Chappe \* were based on mere, and for the most part on very inaccurate, estimates of the falls of rivers,—it has afforded me special satisfaction to there find the graphical method of representing the earth's configuration in a vertical direction, that is, the elevation of solid over fluid parts, achieved on so vast a scale. In the mean latitude of 37° to 43°, the Rocky Mountains present, besides the great snow-crowned summits, whose height may be compared to that of the Peak of Teneriffe, elevated plateaux of an extent scarcely to be met with in any other part of the world, and whose breadth from east to west is almost twice that of the Mexican highlands. From the range of mountains which begin a little westward of Fort Laramie,

\* Chappe d'Auteroche, "*Voyage en Siberie*," fait en 1761, 4 vols., 4th ed., Paris, 1768.

to the farther side of the Wasatch Mountains, the elevation of the soil is uninterruptedly maintained from 5,000 to upwards of 7,000 feet above the sea level; nay, this elevated portion occupies the whole space between the true Rocky Mountains and the Californian snowy coast range from 34° to 45° north latitude. This district, which is a kind of broad longitudinal valley, like that of Lake Titicaca, has been named the *Great Basin* by Joseph Walker and Captain Fremont, travelers well acquainted with those western regions. It is a *terra incognita* of at least 128,000 English square miles, almost uninhabited, and full of salt lakes, the largest of which is 3,940 Parisian (or 4,200 English) feet above the level of the sea, and is connected with the narrow Lake Utah,\* into which the 'Rock River' (*Timpan Ogo* in the Utah language) pours its copious stream."

Fremont's third expedition was commenced August 16, 1845, under instructions to explore the interior of the region known as the Great Basin, and the maritime ports of Oregon and California. The first important incident of that expedition was the message of General Castro, ordering Fremont to leave the Territory. This was in the month of March, 1846. At the moment, Fremont refused to obey the order, and proceeded to fortify his camp, where he raised the United States flag, and remained for about three days. On further consideration, however, he left his camp and proceeded north towards Oregon. In the early part of the month of May he was overtaken by a messenger named Neal, who informed him that Lieutenant Gillespie, an agent of the Government at Washington, was on his way, charged with the delivery of letters, and with verbal instructions from the authorities. Upon receipt of this information, Fremont changed his course, and on the second day met Gillespie, who brought only a letter of introduction from the Secretary of State, Mr.

\* Fremont "Report of the Exploring Expedition," pp. 154 and 273-276.



Buchanan, with letters and papers from Senator Benton. From Gillespie he learned that it was the purpose of the authorities to ascertain the disposition of the inhabitants of California, to conciliate their feelings in favor of the United States, and to counteract as far as possible any designs of the British Government upon that Territory. Fremont made his way to the settled parts of California, near Monterey, where he found Commodore Sloat in command of a United States fleet. In co-operation with him and largely through Fremont's agency, the Mexican authorities were dispersed, the flag of the United States was raised at Monterey and other points, and all was accomplished before information was received of the existence of war between the United States and Mexico. These proceedings were justified by the Government of the United States. In the month of December following, Brigadier-General S. W. Kearny arrived in the Territory, and ultimately there was a conflict between him and Commodore Stockton, who had succeeded Commodore Sloat, as to the command of the forces in California. Until the arrival of Kearny, Fremont had been acting under the orders of Commodore Stockton, had raised troops, and had received from him the appointment of Governor of the Territory. General Kearny, in asserting his authority as commander-in-chief, ordered Fremont to raise troops and to submit himself to his orders. This Fremont declined to do, giving as his reason that he had acted under Commodore Stockton, that it was their duty to adjust their differences, and that until they had done so, he should act under the orders of Commodore Stockton. This course on his part led to his arrest while on his way to Washington, and his trial by a court martial upon three charges: "1st, mutiny; 2d, disobedience of orders; and 3d, conduct prejudicial to good order and discipline." On these charges he was convicted, and sentenced by the court martial to be dismissed from the

service. Six of the officers who were of the court recommended him to the clemency of the President. The President disapproved of the findings of the court as to the charge of mutiny, but expressed the opinion that the second and third charges were sustained by the proofs; but that, in consideration of the valuable services of Lieutenant Colonel Fremont, the penalty of dismissal from the service was remitted. When the findings of the court were announced, and the action of the President was made known to Fremont, he wrote a letter to the Adjutant-General resigning his commission as Lieutenant-Colonel of the Army, and giving as a reason that he could not, by accepting the clemency of the President, admit the justice of the sentence.

It is not easy, from a legal point of view, to justify the action of the President. If the conduct of Fremont in refusing to recognize the authority of General Kearny was an offence, it must have rested upon the fact that Kearny exhibited to him evidence which should have satisfied a reasonable person that he had authority from the President to take command of the military forces in California; and if such authority was exhibited to Fremont and he refused obedience, his refusal constituted the crime of mutiny. The other offences charged against Fremont would have followed as a matter of course; but in the absence of proof that he was guilty of mutiny, there was no evidence whatever on which the minor charges could be sustained. Thus ended Fremont's military services and his career as an explorer when he was less than thirty-four years of age.

Fremont's subsequent career may be considered under three heads. First, in business affairs, in which, apparently, he was unsuccessful. Next, he was the first candidate of the Republican Party for the office of President of the United States. His acceptance of the nomination, and his letters and statements touching the policy and purposes of the new

organization were not merely formal, but they were pronounced declarations in favor of the movement, with clear expressions in harmony with the object of the party, which was the prevention of the extension of slavery in the Territories. Although a Southern man by birth his devotion to the freedom of the Territories was as ardent as that of Lincoln, or any of the other leaders of the time. Finally, in the Civil War, he made a tender of his services to the Government, and as Major-General, and in command of the forces in the Department of Missouri, he issued a proclamation of emancipation of the slaves within his jurisdiction. This proclamation was countermanded by the President, and for the sufficient reason that he reserved to himself the absolute control of the question of the abolition of slavery in the seceding States and within the lines of our armies. It cannot be said that Fremont's military career was marked by any signal successes, but there can be no doubt of his ardent devotion to the cause of the country.

## XXVII

### ORGANIZATION OF THE INTERNAL REVENUE SYSTEM IN THE UNITED STATES

**B**EFORE the work at Cairo was finished I received a message from Mr. Chase, Secretary of the Treasury, asking me to come to Washington and take charge of the Internal Revenue Office, or rather, to organize it under a statute then recently passed, but which I had not seen. After a conversation with Mr. Dana, who advised me to accept the place, I returned to Washington, where I arrived July 16, 1862. After an interview with Mr. Chase I took the oath of office before Mr. Justice Wayne of the Supreme Court. He was then aged and that fact may have deterred him from following the example of his younger associate, Justice Campbell, who resigned his office, and joined in the work of secession. Judge Wayne was disposed to conversation, but he made no allusion to the war and the issues involved.

I was assigned to a small room on the first floor of the Treasury building, on the right of the lower door fronting on Pennsylvania Avenue. First, I read the statute and formed for myself an idea of the process by which the machine was to be set in motion. The statute was a remarkable exhibition of legislative wisdom under the circumstances, but it was incomplete in parts rather than imperfect in plan. In the course of two or three days Mr. Chase assigned to me three clerks from other offices in the Treasury, and all of them very competent assistants — Mr. Estes, Mr. George Parnell, and Mr. A. B. Johnson. The order of assignment

I do not recall. Mr. Estes went to New York in a few months, where he engaged in business. Mr. Parnell remained in the department many years and until his death. Mr. Johnson was subsequently transferred to the Lighthouse Board, of which he is the chief clerk.

We first considered what blanks would be needed to enable assessors and collectors to perform their duties and make proper records and returns. Then we devised the books for the local offices, and for the offices in Washington. There was but one error as tested by experience in the preparation of the blanks and books, and the forms were followed in the department, except so far as changes in the law required alteration. Thus far there has never been a fraud or defalcation that was attributable to inadequate checks in the system. While I was at the head of the office, Mr. Chase never required me to retain a clerk who was incompetent or untrustworthy. There were times, however, when he looked to appointments with reference to Presidential preferences, and he always considered himself in the line of succession.

Mr. Chase's mental processes were slow, but time being given, he had the capacity to form sound opinions. Not infrequently, when I called at his office for conference, he would say: "My mind is preoccupied — you must either decide for yourself, or call again." As a result, he never gave an opinion or tendered any advice in relation to the business of the Internal Revenue Office while I was at the head of it. Mr. Chase had only a limited knowledge of the business of the department. Indeed, only a very extraordinary man could have administered the business of the department systematically, with a daily or frequent knowledge of the doings of the many heads of bureaus and divisions, and at the same time have matured and put into operation, the financial measures which were required by the exigencies of the war.

Mr. Chase's three great measures were the Abolition of State Banks and the substitution of the National Banking System, the issue of the United States legal tender notes, and the issue of the Five-Twenty Bonds. In combination, as a financial system, they enabled the country to carry a debt of three thousand million dollars, and it is probable that a debt of six thousand million would not have paralyzed the public credit. It is an instance of the frailty of human nature, when men are in the presence of great temptations, that when he became Chief Justice of the United States, he announced the opinion that the issue of United States legal tender notes was unconstitutional. That measure was the key to his financial system, and a measure indispensable to the prosecution of the war. It was a forced loan, but in an exigency a government has as good a right to force capital into the public service as to force men. If in 1862 Mr. Chase had acted upon the doctrine set forth in his judicial opinion in the Hepburn and Griswold case, the probability is that the government of Mr. Lincoln would have been reduced financially to an equality with the government of the Confederate States. The ultimate reversal of that opinion is the most important act of the Supreme Court. It gives to the political department of the Government, the power to convert all the resources of the country into the means of defence in time of war, foreign or domestic.

While I held the office of commissioner of internal revenue, I had occasion to consult Mr. Bates, then Attorney-General. He was a kind hearted gentleman, but lacking in vigor and official independence.

There was no provision in the statute for a cashier. The law contemplated that the money would be paid to the commissioner. As it was impossible for me to perform that duty personally, I asked Mr. Chase for authority to appoint Mr. Marshall Conant, who had been and perhaps then was

principal of the Normal School, at Bridgewater, Mass., a clerk in the office, and assign him to duty as cashier. He was appointed to a twelve hundred dollar clerkship, from which he was advanced to fourteen and then to sixteen hundred dollars. From September 1, 1862, to March 3, 1863, he collected and accounted for about thirty-seven million dollars, without any other security than his own good name, and all for a compensation of about eight hundred dollars. I urged Congress to make some adequate compensation, but the request was neglected. When I was in the Senate, I renewed the effort in behalf of his widow, but the attempt was a failure.

The organization of the office was effected by systematic processes. From manufacturers, from assessors and collectors, and from other interested parties numerous inquiries came to the office. The letters containing these inquiries were thrown into a basket, and reserved for the evening sessions, at which the heads of divisions — as divisions were created — were required to attend. These letters were read at the conferences, and when a conclusion was reached, the letter containing the inquiry was put aside for answer. The other letters were held for further consideration. All unanswered letters were read and considered every evening. Letters often remained unanswered for days, and perhaps for weeks, but at length the answer would be reached. By this process the decisions were rendered harmonious. I had the aid of two short-hand writers, and between 8:30 and 10 A. M., I was able usually to dictate the answers and in sufficient quantity to occupy the short-hand writers till 3 o'clock P. M., when the answers were submitted to me. These I read, corrected and signed. They were then referred to the respective divisions for future guidance. Thereafter all inquiries which had been so answered, were treated as routine business, and the letters in reply were signed without inquiry by clerks or by myself. Thus it happened that we were not often com-

pelled to reverse our rulings, and generally they were sustained by the courts.

Mr. S. M. Clark, then superintendent of the Bureau of Printing, was greatly disappointed when I decided to reject all his designs for stamps, and required him to introduce the likeness of Washington after Stuart into each stamp. As far as I know, the internal revenue stamps were never approved nor condemned by the critics nor by the public. After advertisement a contract was made with Messrs. Butler and Carpenter, of Philadelphia, to furnish the stamps of all sizes, and to meet the expense of the engraving, at the rate of thirteen cents per thousand. In the year 1873 I received from Mr. Carpenter an album which contained proof specimens of every internal revenue adhesive stamp, public and private, engraved and printed, previous to March, 1873. This volume may contain the only complete collection of stamps issued from the Internal Revenue Office previous to that year.

When we were about to make appointments of assessors, and of collectors of internal revenue, Mr. Thurlow Weed called at the office, and said that if I would allow him to see the New York papers he would give me his opinion of the qualifications of the candidates, and any facts within his knowledge. This he did, and with entire fairness, as I now believe. He distinguished between the Seward men and the opponents of Seward, treating their merits and weaknesses without prejudice or feeling. Again, when the collectors' bonds had been filed, he examined them, and under his advice, the principals, in several cases, were required to add to the strength of the security. Mr. Chase took no part in the appointment of collectors and assessors, beyond the designation of two collectors, one in Ohio, and one in Massachusetts, with whom he was acquainted. Mr. Lincoln also designated two, one in Illinois and one in California, and



for the same reason. Of these, three proved unworthy. They may have assumed upon the way of their appointment, as security against discipline or removal. The rest were appointed upon written recommendations, and for the most part the duties were well performed to the end of their terms, and some of them held their places for more than twenty years. The appointments were made in August and September when visits to Washington were not agreeable. In a number of recommendations for a candidate, if he is not entirely worthy, some of the letters of commendation will indicate weakness. The whole ground will not be covered, or there will be qualifications. A candidate so weakened should always be passed by. Letters are the safest basis of action in appointments to office. Personal appeals are made most usually by interested parties.

At the time of the disasters to Pope and McClellan, Mr. Chase was demoralized completely. He said to me:

“ We have only to wait for the end.”

He took me to the President, and said that he could take no part in the appointments. In that period Mr. Chase was very bitter in his criticisms of the President. He thought him slow in regard to emancipation. Of this opinion there was a formidable knot around Washington, Mr. Chase and Mr. Sumner being at the head. Indeed, their opinion in that particular was shared by many, myself among them, but I never lost confidence in the purposes of Mr. Lincoln, and I well knew that the way of safety was to maintain the closest relations with him. No one who knew him had any ground to doubt his good intentions. The truth was, that Mr. Chase was a candidate for the Presidency whenever he had the courage to believe in the preservation of the Government.

From July to the end of December, 1862, I went to the office before breakfast, then during the day, and then again in the evening. My only exercise was a ride on horseback

after office hours and before dinner. When Pope's army was driven within the entrenchments of Washington, General Banks was made military commander of the district. I was then living in a house at the corner of G and Twenty-first Streets, which my friend Mr. Hooper tendered me during the recess of Congress upon the condition that I would retain, pay and maintain his servants. Among them was his cook, Monaky, who had been cook for Mr. Webster. When Fletcher Webster was killed, she was in great grief. I invited General Banks to make his quarters with me, and I had thus some means of knowing the condition of affairs in the army and around the district.

While he was with me, we called upon General Hooker at the asylum, the Insane Hospital, on the east side of the east branch of the Potomac River, to which place he had been sent to be treated for a wound in his leg, which he had received at the Battle of Antietam. He was violent in his denunciation of McClellan for not using his entire force, and for not following the enemy — claiming that the whole body might have been destroyed. Barring his violence of language, and the impropriety of criticising his commander, there can be no doubt of the justice of what he said. McClellan had retained upon the left bank of the Antietam, a body of men whose participation in the battle at the opportune moment would have changed a qualified victory into a rout of the enemy. Lee was saved at Antietam and at Gettysburg by the incompetency of McClellan and Meade.

The movements by Lee in crossing the Potomac in 1862 and again in 1863 were most unfortunate for the Confederacy, and with Grant, or Sherman, or Sheridan, or Logan in command of our forces, must have resulted disastrously. It was the necessity of the situation that we were compelled to go to Lee, wherever he might choose to place himself. When he assumed the offensive, and abandoned his base, he

exchanged positions, and greatly to his disadvantage. That he escaped destruction was due to his good fortune and to our incompetency and not to his own merit as commander.

The Sunday morning after Pope's defeat, David Dudley Field called at my office at the Treasury, and after some conversation upon the condition of affairs, he said he wished to see the President. I aided him in securing an interview. What was the object of this interview with the President I cannot say, but his conversation led my mind to the conclusion that he thought himself qualified for the command of the army.

The events of that day made a lasting impression upon my mind. The city was filled with troops, the hospitals, churches and other buildings were crowded with the wounded; the streets were stuffed with ambulances, baggage wagons, artillery, and material of war. The hills were dotted with tents, and the officers and men were discontented and almost in a state of mutiny. The demand for the restoration of McClellan was almost universal. There can be no doubt that he was then adored by the troops. In six months that feeling had given place to a feeling of indifference or positive distrust as to his capacity or integrity of purpose.

During the preceding week, I had made many attempts to secure an interview with the President in regard to the appointment of collectors and assessors, as they were to commence their duties under the law September 1. Finally he gave me Sunday at 11 o'clock. He canvassed the papers and considered the merits of the candidates with as much coolness and care apparently, as he would have exhibited in a condition of profound peace. When the business was ended, he asked me what I thought about the command of the army. I said unhesitatingly that the restoration of McClellan seemed the only safe policy. I had seen and heard so much, that I was apprehensive of serious trouble in the

army if he should again be superseded. I then said that emancipation seemed the only way out of our troubles. He said in reply:

"Must we not wait for something that looks like a victory? Would not a proclamation now appear as *brutum fulmen?*" — the only Latin I ever heard from the President.

In Gorham's Life of Stanton, it appears that the Cabinet advised against the restoration of McClellan, and that a vigorous protest was signed by three members, which, however, was not presented.

During the autumn and winter of 1862-3, I was in the habit of calling at the War Office for news, when I left the Treasury — usually between nine and eleven o'clock. Not infrequently I met Mr. Lincoln on the way or at the department. When the weather was cold he wore a gray shawl, muffled closely around his neck and shoulders. There was great anxiety for General Grant in 1863, when he was engaged in the movement across the Mississippi. At that time I went to the War Office daily. One evening I met the President in front of the Executive Mansion, on his way back from the War Department. I said:

"Any news, Mr. President?"

"Come in and I will tell you!"

I knew from the tones of his voice that he had good news. He read the dispatch, and then by the maps he followed the course that Grant had taken. The news he had received was from Grant himself. From the 4th of March, 1861, I had not seen Mr. Lincoln as cheerful as he was when he read the dispatch, and traced the campaign on the map. He felt, evidently, that the end was approaching — although it was nearly two years away.

As I had been elected to the House of Representatives in November, 1862, I resigned my office of commissioner of internal revenue March 3, 1863. Mr. Chase was very un-

willing to have me leave, and he endeavored to satisfy me that there was neither illegality nor impropriety in my continuing until the meeting of Congress. I did not agree to his view of the law, and moreover, Congress had so changed the law that the commissioner was required to give bonds. In presence of that requirement I should have left the place. By the same act a cashier was authorized, and thus it happened that when the commissioner was actually in receipt of the moneys the Government had no security and yet security was required when he was deprived of the power to touch one cent of the receipts. I remained at Washington from March 3 to August, engaged in the preparation of a work upon the Revenue System. This volume contains the rulings and decisions by me most of which have been sustained by the courts or justified by experience.\*

\* In the early sixties I was associated in the profession with a man eight years my junior, John Quincy Adams Griffin. He was a man of infinite jest, but lacking in fancy. His letters and other writings would make a volume of no mean quality. His death came too early for an extended and lasting reputation. In his sallies he did not spare his friends, and he wounded his opponents. On one occasion as we were upon the street I was induced to buy a paper by a boy's cry "Great battle!" When I opened the paper the sheet was blank. I said:

"What do you suppose will become of that wretch?"

Alluding to the fact that I was about forty years of age when I was admitted to the bar, Griffin said:

"I think he will study law and enter the profession rather late in life."

His last letter to me was as solemn as death itself, but he could not omit an instance of his habit:

"The doctors tell me that I have water around my heart, but I know it isn't so, for I have drank nothing but beer for six months."

This paragraph was commenced for the purpose of citing another instance of his quality. In our office was a volume of my treatise on the Excise and Internal Revenue Laws of the United States. Many years after Griffin's death I found this entry on the fly-leaf of the volume:

#### "DEDICATION.

To the memory of Cæsar Augustus in whose reign there went forth the decree that all the world should be taxed, this book is respectfully dedicated by the

AUTHOR."

My successor was Joseph J. Lewis, a country lawyer from Pennsylvania. He had written a biography of Mr. Lincoln, and he had been the President's choice at the outset. When I resigned, the President had his way. Whether Mr. Chase presented any other person I cannot say. Mr. Lewis had no idea of the work of administration. When questions were submitted to the office, he proceeded to prepare an answer which he wrote with a quill pen with his own hand. At the beginning he sent off his answers without the knowledge of the chiefs of division, and in some instances a newspaper report was the first information that the subordinates obtained that a decision had been made. In some instances he passed upon old questions, without any inquiry or examination, until it was discovered that the head of a division was ruling one way and Mr. Lewis was ruling another way at the same time.

When I left the office in March, 1863, Mr. Chase said to me that it exceeded in magnitude the entire Treasury Department, March 1861. It was in fact the largest Government department ever organized in historical times, and it was organized without a precedent. By its machinery, it became finally so vast, that three hundred and fifty million dollars were assessed and collected in a single year. In the thirty-eight years of its existence, the gross collections have amounted to \$5,524,363,255.89. It has existed eight and thirty years with no other changes than such as have been required by the change of laws. The frame work, including the system of bookkeeping with its checks and tests, remains.

When I entered upon the work in July, I examined the records of the Excise Bureau established during the War of 1812, but they furnished no aid whatever in the execution of the work that was before me. I had neither time nor opportunity to study the excise system of Great Britain; and

hence the organization of the system of the United States was based upon, and grew out of, the requirements of the law. I do not deem this a misfortune. The public anxiety in regard to the construction of the law induced a large amount of correspondence with persons in various parts of the country, and in the month of October the letters sent numbered occasionally eight hundred per day. Many of these letters were formal, and others were repetitions of those previously given; but each day compelled attention to a large number of new questions.

The practice of the office in the construction of the law was controlled by a few leading principles.

First: to levy a tax in those cases only which were clearly provided for by the statute and, consequently, whenever a reasonable doubt existed, the decision was against the Government and in favor of the contestant.

Second: In deciding whether an article was or was not a manufacture, it was the practice to ascertain how it was regarded by business men at the time the excise law was passed; in all cases abstaining from inquiry as to the mode of preparation, or the nature or extent of the change produced. If the article in question was regarded by the makers and by business men as an article of commerce, and it was produced by hand or machinery, it was the practice to treat it as a manufacture under the law, unless specially exempt.

Third: Upon articles manufactured and removed for consumption by the manufacturer, the tax was assessed precisely as it would have been assessed if the articles had been removed for sale.

Fourth: In considering the law relating to the use of stamps, it was the rule of the office to give that signification to the names used in the statute descriptive of various instruments subject to stamp tax, which was ordinarily given to

such descriptive terms by business and professional men. In the year 1901 it may be assumed that the Internal Revenue Office will exist while the Government shall exist, although it came into being as a war measure and as a temporary policy.

END OF VOL. I.











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